



NELSON COUNTY PLANNING COMMISSION

Meeting Agenda: July 24th, 2019

General District Courtroom, 3rd Floor, Nelson County Courthouse, Lovingston

- **7:00 – Meeting Convenes / Call to Order**
- **Review of meeting minutes:** March 27th, 2019

- **Public Hearing Items:**

- **Other Business** (*as determined by Planning Commission members / as applicable*)
 - Discussion of Solar Energy Systems

 - Discussion of Construction Camps

 - Discussion of Nonconforming Uses

- **Board of Supervisors Report**
- **Adjournment**
- **Next Meeting:** August 21st, 2019 (Tentative)

**NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
March 27th, 2019**

Present: Chair Mary Kathryn Allen and Commissioners Mark Stapleton, Mike Harman, Chuck Amante, Phil Proulx, and Tommy Harvey (Board of Supervisors)

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

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

Approval of minutes: February 27th, 2019

Mr. Amante noted that on the last page Ms. Amante should be Mr. Amante.

Ms. Proulx motioned that the minutes from February 27th, 2019 be approved. Mr. Stapleton seconded the motion. The minutes were approved with a vote of 6-0.

Other Business:

- **MSP 2019-01 Expansion to the Nelson County Library**

Ms. Shackelford noted that this will be review of the final Major Site Plan for the expansion. She noted that this expansion would almost double the library in size. She explained that she has reviewed the site plan and that the following minor changes need to be made:

- That the health department signature line be removed
- That the TJSWCD signature line be replaced with Nelson County E&S.
- That there needs to be a line added for the County's approval.

Ms. Shackelford also reviewed the following comments from VDOT:

Emily Hjulstrom

From: Jeffery Kessler <jefferyb.kessler@vdot.virginia.gov>
Sent: Monday, March 18, 2019 6:35 PM
To: Sandra Shackelford
Cc: Scott Beasley; e.carton@handp.com; Sara.Brown@vdot.virginia.gov; Emily Hjulstrom; George Miller; Charles Miller; lexi.monteleone@tjswcd.org
Subject: Nelson County Memorial Library Addition Major Site Plan 2019-01

Sandra,

On review of Hurt & Proffitt's preliminary site plan dated February 12, 2019, we have the following initial comments:

1. There appears to be a significant amount of drainage area and run-off entering the site from the northwest, and from the parking areas located to the west. It is not apparent from the drainage maps on Plan Sheet C-601 what area was taking into account for the drainage calculations.
2. Erosion of the embankment along the Route 29 frontage indicates existing surface water coming through and from the site is not being captured in the existing storm drain system. This runoff is flowing to the north of the building along the property line toward Route 29. The erosion has block the drainage of the ditch line along the entrance's northern radii. We request that the bank and ditch line be repaired and stabilize.
3. Additional details are needed for replacing the existing storm 12 inch diameter pipe and tying into the concrete paved ditch. Include the appropriate VDOT Road & Bridge Standards for replacement of the disturbed concrete paved ditch.
4. When existing commercial sites expanded and traffic volumes change, VDOT reviews the existing entrances for safety, function and maintenance. The existing right-in ingress only entrance on Route 29 is in need of maintenance and requires asphalt patching. Otherwise, the existing entrance is suitable for the anticipated traffic generated by the library expansion.
5. Please include the following VDOT Representative's signature block and disclaimer on the cover sheet.

ACCEPTABLE TO VDOT

VDOT REPRESENTATIVE: _____ DATE: _____

VDOT'S REVIEW IS NOT INTENDED TO BE EITHER COMPLETE OR COMPREHENSIVE AS IT IS THE RESPONSIBILITY OF THE SUBMITTING ENGINEER/SURVEYOR THAT SIGNS AND SEALS THESE PLANS TO ENSURE THE COMPLETENESS AND ACCURACY OF THEIR PLANS IN ACCORDANCE WITH GOVERNING LAWS, REGULATIONS, SPECIFICATIONS AND STANDARDS. PLAN ERRORS AND OR OMISSIONS THAT ARE DISCOVERED DURING CONSTRUCTION REMAINS THE RESPONSIBILITY OF THE SUBMITTING ENGINEER/SURVEYOR.

6. A VDOT Land Use Permit will be required to perform the drainage work and described patching of the entrance within VDOT right-of-way.

I will be happy to address any questions you may have.

Sincerely,
Jeff

Jeffery B. Kessler, P.E.
Area Land Use Engineer
VDOT - Lynchburg

Draft: 03/27/2019

Ms. Shackelford recommended that the Planning Commission approve the Site Plan for final approval.

Ms. Proulx recommended a conditional approval on the condition that VDOT's requirements are satisfied. Ms. Shackelford clarified that VDOT's comments are more about improvements and not about placements or big upgrades. Mr. Harvey noted that the entrance and exit are as they are and there is not much you can do about it. He also noted that the expansion will be on the back of the building. Mr. Harman noted that his biggest concern is with drainage and runoff.

Mr. Harman made a motion to approve final Major Site Plan #2019-01 Expansion of the Nelson County library in accordance with the ten drawings from Hurt & Proffitt dated 2/28/2019 and contingent on the VDOT issues from the memo dated 3/18/2019 being resolved. Ms. Proulx seconded the motion.

Yes:

Phil Proulx

Tommy Harvey

Mike Harman

Mark Stapleton

Chuck Amante

Mary Kathryn Allen

No:

The motion was passed with a vote of 6-0.

- **Discussion of Rockfish Valley Events application**

Mr. Harman and Ms. Proulx asked about the status of the Rockfish Valley Events application and what the applicant plans to do. Ms. Shackelford noted that he had not responded to her but that there was an article in the newspaper that said he liked his chances with the Board. Mr. Harvey noted that it would solve a lot of problems if the applicant tore the building down and rebuilt.

- **County email**

Mr. Amante noted that the Planning Commission should have County email addresses. He explained that FOIA requests will come and that the Planning Commission's personal emails should not be subject to them. Ms. Proulx noted that only related things come up in a FOIA request. Mr. Harvey noted that you should be careful what you email and that he corresponds very little about things over email. Mr. Amante noted that he isn't worried about one of the commissioners getting caught doing something wrong. He is concerned with everyone's information in their own email. Ms. Allen noted that this information could be requested in court, she asked if getting county issued emails were possible. Ms. Shackelford noted that IT had already been spoken with and they said that they could only the Board could have emails. Ms. Allen noted that she is more worried about her personal email being associated with the Board of Zoning Appeals than the Planning Commission. Ms. Allen asked if this can be inquired about again.

- **Status updates**

Ms. Shackelford noted that there is nothing on the agenda for April and that the Planning Commission can either decide not to meet or see if the TJPDC could come give an update on the RVAP. The Planning Commission decided to have the TJPDC present to them. Mr. Amante asked about the status of the Comprehensive Plan update. Ms. Shackelford noted that she has made a budget request to start the process that should hopefully be ready by the end of this fiscal year. Mr. Amante noted that the plan is out of date.

Draft: 03/27/2019

Mr. Harvey noted that he has never seen the Comprehensive Plan benefit anyone. Ms. Proulx explained that all it has done is provide for a couple of grant possibilities. Ms. Shackelford noted that when they are happy with the Comprehensive Plan then the Zoning Ordinance needs to be updated. Ms. Proulx noted that they have never been able to get a zoning map that follows the Comprehensive Plan. Mr. Amante explained that people will settle where they settle and that the traffic flow is where development will be attracted. Ms. Proulx noted that it has been updated in pieces along the way. Ms. Allen noted that the Comprehensive Plan will not be a benefit when people have different viewpoints on the future of the County. She explained that it is more important to fix the Zoning Ordinance to make it more clear.

Board of Supervisors Report:

Mr. Harvey noted that Ernie Reed should be back at BOS meetings in April.

Adjournment:

Mr. Harman made a motion to adjourn the meeting at 7:25 pm. Ms. Proulx seconded the motion.

Yes:

Phil Proulx

Tommy Harvey

Mike Harman

Mark Stapleton

Chuck Amante

Mary Kathryn Allen

No:

The motion was passed with a vote of 6-0.

Respectfully submitted,



Emily Hjulstrom
Secretary, Planning & Zoning

Nelson County
Planning Commission

Memo

To: Planning Commission

From: Dylan M. Bishop, Director of Planning & Zoning

Date: July 24, 2019

Re: Solar Energy Systems

The County has recently received multiple inquiries regarding the installation of commercial solar energy systems. Currently, the Zoning Ordinance does not address this subject, and has been requested for review by the County Administrator's Office. The intent of this memo is to provide interim recommendations so that upcoming solar applications can be regulated, until such time when staff and Planning Commission can review and formulate a complete solar farm ordinance.

Residential solar installations are treated as accessory uses, and are administratively approved subject to setback and height requirements. This is an existing practice and should remain in place.

A definition for "commercial solar energy systems" should be added to Article 2 of the Zoning Ordinance. "*Commercial solar energy systems*: An energy conversion system consisting of photovoltaic panels, support structures, and associated facilities, the principal purpose of which is to produce electric power for sale to third parties."

Commercial solar energy systems should be added as a by-right use in the M-2 District (9-1-33), and as a Special Use Permit (SUP) in the following districts:

- C-1 (3-1-18a)
- A-1 (4-1-52a)
- B-1 (8-1-15a)
- B-2 (8A-1-9a)
- M-1 (18-3-10)

This allows the Planning Commission to review any commercial solar application individually, and impose conditions as needed. Staff will be working on a draft ordinance to address commercial solar energy systems more thoroughly.

I recommend that the Planning Commission direct staff to move the proposed amendments forward to a public hearing at the next meeting to be held on August 21, 2019.

Nelson County
Planning Commission

Memo

To: Planning Commission

From: Dylan M. Bishop, Director of Planning & Zoning

Date: July 24, 2019

Re: Construction Camp Use

The Planning & Zoning Department has recently received a request to extend the allowable stay of transient lodgers to a period longer than 30 days. “Transient lodging” is defined in the Zoning Ordinance as, “lodging in which the temporary occupant lodges in overnight accommodations for less than thirty (30) consecutive days.” This is currently the maximum length of stay allowable.

A possible route to address this, is to introduce a “construction camp” use as a special use in the A-1 Agriculture District. A definition for “construction camp” as found in *A Planner’s Dictionary*, is “buildings and or trailers that are temporarily used to house and feed construction workers and/or store project construction materials and/or provide office space for contactors and sub-contractors.” Adding this as a special use would allow the Planning Commission to review each individual request for extended lodging.

Staff is requesting that the Planning Commission discuss the addition of this use into the Zoning Ordinance as a special use in the A-1, as well as its associated definition.

Memo

To: Planning Commission

From: Dylan M. Bishop, Director of Planning & Zoning

Date: July 24, 2019

Re: Nonconforming Article

In recent months, there has been much discussion and debate on nonconforming uses, structures, and their relationship to each other. The intent of this memo is to make the Planning Commission aware of initial staff recommendations following a preliminary review of the Article, and receive feedback from members, prior to introducing any revisions.

Currently, the ordinance addresses sections including *Continuation, Permits, Expansion/Enlargement, and Restoration/Replacement*. Staff recommends reworking these Sections to address these aspects as they relate to nonconforming uses, structures, and lots individually.

Staff also believes that the addition of an Intent section would clear up some confusion. Many ordinances of regional localities include language indicating the intention of the nonconforming ordinance. Some examples of this (paraphrased) language include:

- "existing nonconformities should be permitted to continue, but not encouraged to survive..."
- "elimination and prevention of nonconformities is a matter of public health, safety, welfare"
- "maintain the character of uses permitted in the underlying district"
- "structures, uses, lots, or any combination thereof are considered nonconforming and declared (by the Board of Supervisors) to be inconsistent with the character of the districts in which they occur"

By referring to a district's intent section when evaluating requests involving nonconformities, it will be clearer to determine the types of uses and improvements that may be allowable. This ordinance amendment has also been requested for review by the County Administrator's Office. Staff is requesting feedback from the Planning Commission, as well as direction to rework the nonconforming ordinance.