



NELSON COUNTY PLANNING COMMISSION

Meeting Agenda: November 19, 2014
General District Courtroom, 3rd Floor, Nelson County Courthouse, Lovingston

– **7:00 – Meeting Convenes / Call to Order**

– Review of Meeting Minutes from October 22nd meeting

– **Public Hearing Items:**

1. **Special Use Permit #2014-008 – “Page’s Palette” antique, craft, or gift shop / Ms. Kimberly D. Page / Tax Map Parcel #12-A-109 – POSTPONED / INCOMPLETE**
Consideration of a Special Use Permit application seeking approval to operate an “antique, craft, or gift shop” pursuant to §4-1-2a of the Zoning Ordinance. Specifically, the applicant wishes to operate a retail shop and instructional art studio on the subject property, which is identified as Tax Map Parcel #12-A-109, and which is located at 6222 Rockfish Valley Highway in the Greenfield area of Afton. This is a 7.1-acre parcel zoned Agricultural (A-1), and is owned by the applicant.
2. **Special Use Permit #2014-009 – “Blue Haven 151 Farm” conference center / Ms. Elizabeth Anne Wachtmeister / Tax Map Parcel #42-5-2**
Consideration of a Special Use Permit application seeking approval to operate a “conference center” pursuant to §4-1-13a of the Zoning Ordinance. Specifically, the applicant wishes to operate a conference center for educational retreats, team building activities, weddings, and/or artistic/cultural events; and for short-term overnight lodging accommodations. The subject property is identified as Tax Map Parcel #42-5-2, and is located at 10531 Patrick Henry Highway in the Bryant area of Roseland. This is a 38.6-acre parcel zoned Agricultural (A-1), and is owned by the applicant.

– **Other Agenda Items:**

1. **Major Site Plan #2014-005 – “Zenith Quest International” warehouse / Ms. Ammy George of Roudabush, Gale and Associates (Tax Map Parcel #4-A-44A) – POSTPONED AT APPLICANT’S REQUEST**
2. **Minor Site Plan #2014-005 – “Wayside Center” corporate training center / Mr. Jeff Winder (Tax Map Parcel #48-A-15)**
3. **Wayside Stand Permit #2014-01 – Mr. William Karnes (Tax Map Parcel #12-A-109)**
4. **Wayside Stand Permit #2014-02 – Ms. Shelby Bruguere (Tax Map Parcel #12-A-148)**

– **Other Business:**

– Review “Wayside Stand Permit” application and review procedures

- Review request from Mr. Gregory Allgire Smith, Executive Director, Virginia Center for Creative Arts
- Update on Agricultural-Forestal District application and inquiries
- Notification of ongoing Amended Site Plan administrative reviews:
 - o #2007-003 – “The Village at Glen Mary” – Mosby Run, Roseland / Mr. Steve Crandall
 - (Tax Map Parcels #31-12-1, -2, -3, -4, and -6)
 - o #2010-001 – “Virginia Distillery Co.” – Eades Hollow, Lovington / Mr. Jim Taggart
 - (Tax Map Parcel #58-A-73)
- Update on Rockfish Valley Area Plan
- Other (as determined by Planning Commission members / as applicable)

- **Adjournment**

- **Next Meeting:** December 17, 2014 | 7:00pm

**NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
October 22, 2014**

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

Staff Present: Tim Padalino, Director of Planning & Zoning

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

Approval of Minutes – August 27, 2014: Commissioner Allen requested a change to the first sentence in the third paragraph on page 4, with “than” being corrected to “then.”

Commissioner Harman made a motion to adopt the August 27th Meeting Minutes with the noted correction; Commissioner Allen seconded the motion; the vote 3-0, with Commissioner Russell abstaining due to her absence at the August meeting; and with Commissioner Goad and Supervisor Saunders abstaining due to not being members of the Commission at the time of the August 27th meeting.

Chair Proulx then explained to the applicants and members of the public that the County does not have the ability to digitally project a slideshow of the agenda items, as intended, because the equipment was not made available. She apologized for that error. Mr. Padalino noted that printed copies of the entire meeting materials packet were available in the back of the courtroom, if anyone wished to see the staff report and associated maps and images.

1. Special Use Permit #2014-007 – St. Mary’s Cemetery

Mr. Padalino apologized to those in attendance for not being able to present a Powerpoint presentation, as was intended. He then provided a brief oral report summarizing the location and characteristics of the subject property; and stated that the requested use is a new cemetery for the church, which will complement the existing historic Lovings Gap Cemetery on the same property.

Mr. Padalino then stated that, upon visiting the site after the October 8th Site Plan Review Committee meeting, he became concerned about the safety of the entrance off of Thomas Nelson Highway. He then shared other review comments, noting that “required improvements” associated with all Site Plan projects must comply with County standards and specifications, per Zoning Ordinance Article 13, Section 6-1, “Improvements.” He concluded by stating that the language in 13-6-1 requires this proposed cemetery project to be accessed by a road built to County or Virginia Department of Transportation (VDOT) standards; and that the parking area must meet the specifications contained in Zoning Ordinance Article 12, Section 7-8, “Design Standards.”

Mr. Padalino then clarified that the Commission’s current application review was limited to the requested Special Use Permit (SUP), and that such issues and concerns about safety and “required improvements” are typically reviewed in detail during the subsequent Major Site Plan application and review process. However, because it was unclear if this proposed project would be required to submit a Major Site Plan (pending approval of the SUP application), Mr. Padalino wanted to ensure those comments and concerns were shared at this public hearing for the requested Special Use Permit.

Mr. Massie Saunders, P.E., of Saunders Surveys, then spoke on behalf of the applicant (Father Daniel Kelly of St. Mary’s Catholic Church). He reiterated the comments and concerns noted by Mr. Padalino, and then

~~further stated~~ disagreed with him saying that the Commission should not be reviewing the Site Plan details and other physical details associated with this proposed use.

Mr. Saunders continued, stating that VDOT has been reviewing this project for several months and ~~have~~ has not required a deceleration lane or turn lane; and therefore the County should not be requiring or requesting anything related to this matter. Mr. Saunders also stated that the road should not be required to be upgraded, as it currently has some gravel on it and is currently serving multiple parcels beyond the St. Mary's property. Mr. Saunders also noted that this cemetery proposal included a reconfiguration plat, which combined four existing parcels into one parcel – and therefore is a project that is technically reducing the existing road's service to parcels accessed off of Thomas Nelson Highway.

Mr. Saunders then noted that he is not aware of a single cemetery in Nelson County which has a commercial-style parking lot. He stated that all cemeteries are simply served by a small road that loops through the cemetery, and visitors typically park in the grass with close access to the burial plots. Mr. Saunders then stated that he is not aware of any requirements for a cemetery to contain a minimum number of off-street parking spaces; and therefore should not be subject to any design specifications or standards associated with most other projects.

Chair Proulx opened the public hearing at 7:14 P.M.

Richard Bulissa: Mr. Bulissa introduced himself as an adjoining property owner, and operator of Orchard House Bed and Breakfast.

Mr. Bulissa stated that he thinks the proposed cemetery is a very good use of the property. He then shared that previous logging on the property, which is directly upstream from his property, contributed to a culvert being blown out a few years ago. He noted that the destruction of the culvert prevents him from crossing Town Creek, which prevents him from accessing five acres of his property.

Mr. Bulissa then noted that the culvert was originally installed by VDOT, and he is attempting to work with that Department to determine how the culvert should be replaced. He noted that VDOT staff have met with him on the property, but that the situation is unresolved. He then stated that he does support the proposed cemetery, but would be opposed to any use or development that results in any additional damage to his property due to increased runoff from the upstream property.

Chair Proulx closed the public hearing at 7:19 P.M.

Commissioner Russell made a motion to make a recommendation to the Board of Supervisors for approval of Special Use Permit #2014-007 for St. Mary's Catholic Church cemetery. Commissioner Allen seconded the motion; the vote 5-0. Commissioner Goad abstained because of his affiliation with St. Mary's Catholic Church.

Following the vote, Mr. Padalino responded to Mr. Saunders' comments regarding required improvements. Mr. Padalino noted that Mr. Saunders' claims about cemeteries not being subject to parking requirements were in fact accurate and correct. Because Zoning Ordinance Article 12, Section 7-6 "Required spaces for specific uses" does not contain any provision for "cemetery" uses, there is thereby no required minimum number of parking spaces, and subsequently no requirement to improve the proposed parking area. Mr. Padalino continued by stating that if that parking area is not subject to improvements, then the 0.6-acre area of disturbance (as stated on the Minor Site Plan) would not be expected to increase over the 1.0-acre threshold, meaning that an approved Major Site Plan would not be required for this project pending any Board of Supervisors (BOS) approval of this SUP application.

Other Agenda Items:

2. Major Site Plan #2014-005 – “Afton Mountain Site Plan” / Zenith Quest International, LLC

Chair Proulx noted that the Planning Commission’s review of this Site Plan is not a public hearing, and does not provide for any opportunity for public comments related to the Site Plan and/or proposed uses. She stated that the proposed use is a “by-right” use, meaning that the applicant does not have to obtain Special Use Permit approval from the Board of Supervisors, and that it only requires Site Plan approval. She explained that the Board of Supervisors has delegated the review and approval of Site Plans to the Planning Commission; and that the Commission’s responsibility is to review the project with regards to the Zoning Ordinance Checklist for Major Site Plans. She stated that if the Commission finds the Site Plan to be compliant with the checklist requirements, then **they must approve the Site Plan the Site Plan must be approved.**

Mr. Padalino then began his presentation of the staff report by offering another apology for the lack of visual aid and the absence of a Powerpoint slideshow, despite the efforts of his staff to arrange for such equipment to be supplied.

Mr. Padalino then provided a brief oral report summarizing the location and characteristics of the subject property and adjoining properties. He noted that this Industrial (M-2) District property adjoins properties in the Agricultural (A-1) District, the Residential (R-1) District, and other properties in the Industrial (M-2) District across Route 151.

Mr. Padalino stated that the Site Plan Review Committee met on October 8th to review the Site Plan drawings, and then provided a brief summary of plan review comments provided by each agency represented **in** on the Review Committee.

He stated that County staff have discussed the need for the Site Plan to be revised with respect to details about required landscaping and screening; details about exterior lighting; and details about signage. He noted that the traffic generation contained on the Site Plan estimate that the vehicular traffic associated with this proposed use would be 201 vehicles per day, and 20 commercial truck trips per month.

Mr. Padalino then noted review comments from Mr. Jeff Kessler of VDOT, which required additional details about the project’s entrance design, and which requested that the entrance design be further coordinated with the future intersection improvements that VDOT will be implementing at the Route 151 – Route 6 – Route 638 intersection just to the south of the subject property. Mr. Kessler also commented that the ITE Trip Generation Report information be revised on the Site Plan (Note #2).

Mr. Padalino then shared review comments from Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District (TJSWCD), which stated that technical review comments for the Erosion & Sediment Control Plan (E&S) were submitted to the applicant on September 9th and that the project would require “permit coverage” from Virginia Department of Environmental Quality (VA DEQ) under the Virginia Stormwater Management Program (VSMP) prior to the County’s issuance of a land disturbing permit or a building permit or any site construction. Mr. Padalino added that Mrs. Sappington’s review comments include a note that the Stormwater Management Plan was submitted on Friday, September 5th for review by VA DEQ.

Mr. Padalino then shared review comments submitted by Mr. David Thompson, Nelson County Building Official. Mr. Padalino explained that Mr. Thompson’s comments explain that an approved E&S Control Plan, a Nelson County Land Disturbing Permit, and a copy of VSMP permit registration statement from DEQ are required. He also declared that a bond, cash escrow, or irrevocable letter of credit must be established to Nelson County to ensure that E&S Control measures are properly installed, maintained, and completed in accordance with the approved plan.

Finally, Mr. Padalino shared comments from Mr. Tom Eick, Virginia Department of Health (VDH), which explained that Mr. Eick has not received nor reviewed any OSE report or other “soils work” for this project.

Commissioner Russell stated that the issue of exterior lighting was of high importance, and has been discussed in detail with the applicant at previous Site Plan Review Committee meetings. She noted that she did not think a photometric plan was a necessity for this project, but also stated that the lighting cannot result in light or glare being deflected onto adjoining properties or the adjacent public right of way. Commissioner Russell added that full cut-off light fixtures are recommended as a way of protecting dark skies at night and reducing impacts to adjoining properties.

Ms. Ammy George of Roudabush, Gale and Associates, representing the applicant, then provided additional information about the Site Plan and the proposed project. Ms. George noted that additional landscaping materials would be specified on the pending submission of revised Major Site Plan drawings. She also noted that the pending submission of revised Major Site Plan drawings would propose for the parking lot to be gravel instead of paved, which was specified in the original Major Site Plan submission.

In response to questions from Commissioners, Ms. George also stated that the project would be enclosed by an eight (8) foot chain link fence, and that additional security measure for the top of the fence were being considered but no decision has been made. She also stated that the project would maintain a large majority of the existing wooded buffer between the rear of the proposed warehouse and Family Lane. She stated a small “break” in the forested buffer would result from the gravel fire access road and locked gate which would be installed between Family Lane and the warehouse.

Mr. Ray Miles of Zenith Quest International (ZQI) then provided additional details about the project and the proposed uses. Mr. Miles noted that the warehouse would be used for the storage of ammunition, and that all ammunition would arrive packaged, and would typically leave in the same packaging. He also provided clarification to questions about what other materials may be stored at the facility, stating that a variety of goods such as natural stone tiles and non-toxic cleaning agents will be stored there. He also stated that the warehouse would potentially be used for the storage of other materials, if and when his import-export business comes across profitable opportunities, but that he currently cannot specify what other materials could potentially be stored there.

Mr. Miles then explained that part of ZQI’s existing business involves distribution and sales of firearms, specifically small arms. He explained that ZQI will be involved with light assembly, disassembly, and reassembly of small arms. Mr. Miles noted that, if required, any testing facilities for these modified firearms would be entirely enclosed within the warehouse, and would be constructed according to specifications that are designed to minimize or eliminate all noise.

Chair Proulx then asked Mr. Miles if the proposed ZQI facility would involve any retail sales. Mr. Miles stated that this is a warehousing and wholesale operation, and that there would be no retail sales at this facility.

Mr. Miles also noted that the office building is a component of this project which may not be constructed at the same time as the warehouse. He noted the office building may occur possibly three (3) years after the warehouse is constructed. As such, conceptual drawings of the office building may not be available, but conceptual drawings of the warehouse will be provided as part of the revised Major Site Plan submittal, as required by the checklist.

Commissioner Russell made a motion to continue the review of the Major Site Plan until the following Planning Commission meeting, pending submission of revised materials by the applicant. Commissioner Harman seconded the motion, the vote 6-0.

Other Business:

Regular Meetings: Chair Proulx introduced a resolution to modify the Commission's meeting schedule. Specifically, the resolution was introduced to authorize the rescheduling of the November and December Regular Meetings. Per the resolution, the November meeting would be moved from November 26th to November 19th; and the December meeting would be moved from December 24th to December 17th.

Commissioner Allen read the resolution and made a motion to approve the resolution. Commissioner Russell seconded the motion, the vote 6-0.

Wayside Stand Permits: Mr. Padalino briefed the Commission on the issue of "Wayside Stand Permits." He noted that this was a topic that has recently been reviewed in detail by the Commission as part of the recent "Agricultural Operations" amendment process. Part of the review involved a proposal to establish a review procedure and approval criteria for such permits, as the Zoning Ordinance currently provides virtually no guidance.

Mr. Padalino explained that two such permit applications have been received since the previous meeting; and that he may forward those permit applications to the Commission for their review and approval. He noted his reluctance to administratively approve Wayside Stand Permits with regards to safety concerns for patrons, operators, and passing motorists. Regarding those concerns, Mr. Padalino stated he has been in communication with Mr. Kessler at VDOT, seeking guidance on what type of information VDOT would need in order to review that type of permit. That communication has not led to a resolution of the matter, but that Mr. Kessler and other VDOT staff would make themselves available to establish a review procedure for Wayside Stand Permits.

Mr. Padalino concluded by stating that if a review procedure could be established prior to next month's Planning Commission meeting, then he would process those permit applications administratively. If a review procedure could not be established, then he stated he will send the permit applications to the Planning Commission for their review and action at the November meeting.

Adjournment:

At 8:12 P.M. Commissioner Allen motioned to adjourn.

Respectfully submitted,

Timothy M. Padalino
Director, Planning & Zoning



To: **Timothy M Padalino**, Director of Planning & Zoning
From: David L Thompson, Building Code Official
Date: **November 12, 2014**
Re: November 12, 2014 Plan Review Meeting

COMMENTS:

1. **Minor Site Plan #2014-008 – Mr. Jeff (Tax Map #48-A-15 / “Wayside Center” Corporate Training Center**
 - In accordance with Section 36-99 of the Code of Virginia, the USBC shall prescribe building regulations to be complied with in the construction and rehabilitation of buildings and structures, and the equipment therein, A Certificate of Occupancy is required before a change of use or prior to occupancy of a building or structure. 13VAC5-63-30. Section103.1
 - Note: Building construction permit application: Two (2) sets of complete building plans with the construction drawings conforming to the Uniform Statewide Building Code and payment of permit fees are required at the time of the building permit application. The plans also need to include two (2) sets of the approved Nelson County site development plan, a copy of the well and sanitary construction permits from the Virginia Department of Health, a copy of the construction entrance permit from VDOT. Contractors and subcontractors are required to be disclosed licenses in the permit applications, including local business licenses and the DPOR contractor/tradesmen’s licenses. If the permit is to include the electrical, mechanical and plumbing work that work needs to be included on the submittal plans for the building permit. Fire protection plans may be submitted separately by the design & installation company along with a separate permit application specifically for the fire protection system.
2. **Minor Site Plan #2014-009 –Ms. Anne Wachtmeister /”Blue Haven 151 Farm” conference center (Tax Map 42-5-2)**
 - In accordance with Section 36-99 of the Code of Virginia, the USBC shall prescribe building regulations to be complied with in the construction and rehabilitation of buildings and structures, and the equipment therein, A Certificate of Occupancy is required before a change of use or prior to occupancy of a building or structure. 13VAC5-63-30. Section103.1
 - Note: A conference building requires a certificate of use for an Assembly or Educational occupancy. **The 4 existing sheds are for tool and storage use as detached accessory structures to the single family home or Bed & Breakfast.** PERMIT EXEMPTIONS _13VAC5-63-80 Section108.2 Item #2 - One story detached structures used as tool and storage sheds, playhouses or similar uses, provided the building area does not exceed 256 square feet (23.78 m²) and the structures are not classified as a Group F-1 or H occupancy.

3. **Amendment to Site Plan # 2007-003 – Mr. Steve Crandall / The Village at Glen Mary” (Tax Map Parcels #31-12-1, -2,-3, -4 and -6.**
 - In accordance with Section 36-99 of the Code of Virginia, the USBC shall prescribe building regulations to be complied with in the construction and rehabilitation of buildings and structures, and the equipment therein, A Certificate of Occupancy is required before a change of use or prior to occupancy of a building or structure. 13VAC5-63-30. Section103.1

4. **Wayside Stand Permit #2014-01- Mr. William Karnes (Tax Map 12-A-109)**
No Comment

5. **Wayside Stand Permit #2014-02- Mrs. Shelby Bruguiera (Tax Map 12-A-148)**
No Comment



DEPARTMENT OF
PLANNING & ZONING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission

From: Tim Padalino | Director of Planning & Zoning

Date: November 12, 2014

Subject: Public Hearing for Special Use Permit #2014-009 – Blue Haven 151 Farm

<u>Site Address / Location:</u>	10531 Patrick Henry Highway (west side of highway) / Bryant / West District
<u>Tax Map Parcel:</u>	#42-5-2B
<u>Parcel Size:</u>	approximately 38.6 acres
<u>Zoning:</u>	Agricultural (A-1)
<u>Request:</u>	Approval of Special Use Permit #2014-009 and associated Minor Site Plan for “conference center” use with short-term overnight lodging accommodations
<i>Completed Application Received On: October 31</i>	

Application Overview

The Department of Planning & Zoning received a completed application on October 31st from Ms. Elizabeth Anne Wachtmeister for Special Use Permit #2014-009. This application seeks approval utilize the subject property for a “conference center” land use, which is defined in Zoning Ordinance Article 2, “Definitions,” as, “A facility for hosting public and/or private events, including but not limited to weddings, receptions, social events or parties, workshops, and/or conferences, which is used as a venue for social, cultural, recreational, and/or educational activities. Conference centers may include lodging accommodations.”

The subject property is located on the west side of Patrick Henry Highway (Rte. 151), just south of Cat Rock Mountain Lane (Rte. 725). The 38.6-acre property is zoned Agricultural (A-1) and is currently used for a 2,870 SF bed and breakfast or “tourist home.” (Please see maps on pages 6 and 7.)

Summary of Requested Uses & Application Details

This SUP application and Minor Site Plan seek approval for a conference center to, “support educational retreats, team building, weddings, and events that are educational, artistic, and cultural in nature.” The proposed use would include overnight lodging accommodations in a variety of formats, including four (4) “bunk houses,” eleven (11) Airstream campers, and a tent camping area.

Please note that this SUP application and Minor Site Plan were submitted by Ms. Wachtmeister in response to County code enforcement activities, which were initiated by resident complaints involving perceived zoning violations.

Specifically, Ms. Wachtmeister had begun to assemble and store materials for this conference center use prior to obtaining SUP approval or Site Plan approval. Four cabins and approximately 12-14 Airstream trailers are present on the subject property. With this SUP application, Ms. Wachtmeister seeks to remedy the situation and achieve compliance by obtaining County approval for operating a “conference center,” including the utilization of the existing cabins and trailers (as well as the existing bed “tourist home” dwelling and proposed tent camping areas) as the lodging accommodations for patrons.

Site Plan Review Committee

The Site Plan Review Committee met on November 12th to review the proposed Minor Site Plan, prepared by Mr. David L. Collins, L.S., P.E. The committee members’ comments are as follows:

Director of Planning & Zoning:

- **Signage:**
 - Location, size, and details of all signage are not supplied as required in Major Site Plan Checklist Item T (per Z.O. §13-4-T). These required details must be addressed as part of site plan review for this Special Use Permit application.
 - Inset A on Sheet 2 indicates the location of an existing post onto which a sign will be affixed; but there is no information regarding the size or appearance of the sign. A note on Sheet 1 further indicates that a business sign will be located for the entrance driveway along Route 151, and states that all future signage will comply with the local regulations and be constructed under a separate “new sign permit.”
- **Lighting:**
 - Location and type of lighting equipment, plus photometric plan, not supplied as required in Major Site Plan Checklist Item V (per Z.O. §13-4-V).
 - Note on Sheet 1 states that the lighting is existing; and that any future lighting will be in accordance with local regulations, and will be low wattage / low lumen with the intent to maintain a “dark sky.” The applicants further stated that the exterior lighting will be residential in scale and nature. However, these required details must be addressed as part of the site plan review, not during subsequent permitting steps.
- **Landscaping & Screening:**
 - Note on Sheet 1 states that the landscaping is existing. This is interpreted to mean that no additional landscaping or screening is proposed by the applicant.
 - The Site Plan shows seven (7) landscape trees present for screening purposes along the property boundary with Parcel 2, an adjoining residence. However, the location and current size of these trees do not provide much screening effect. Additional screening between the subject property and Parcel 2 may be beneficial. Ms. Wachtmeister noted that this is “priority number one.”
- **Parking Spaces:**
 - The Site Plan indicates that 22 spaces are provided, and one (1) additional handicap space is provided; and that an additional 28 overflow spaces are also provided. This is a total of 51 vehicular spaces.

- Per the Site Plan, the parking requirements are for a total of 32 spaces (using the different categories contained in §12-7-6).
- Vehicular Traffic Volume & Patterns:
 - Information providing a summary of anticipated traffic patterns is requested (per Z. O. §13-7-B-2).
- Required Site Improvements & Bonding Requirements:
 - (§13-6-1-L): required improvements must be secured through a bond furnished by the developer in an amount calculated or approved by the Planning & Zoning Director in accordance with established specifications and construction schedules
 - (§13-6-1-M): plans and specifications for all required improvements to be installed shall be prepared by a licensed engineer
 - Applicable “required improvements” to be bonded include the parking areas (and landscaping, if applicable).
- Other Comments:
 - Checklist Item E: Remove “NCSA” from signature panel
 - Checklist Item M: Label Route 151 / Critzer Shop Road as a designated Virginia Scenic Byway (in relation to “feature of particular scenic significance”)

VDOT: Mr. Jeff Kessler shared the following comments for this project:

- VDOT is concerned with the connection to 151; the existing entrance does not meet sight distance requirements to the south (looking right when exiting the property).
- Mr. Kessler inquired if the existing entrance is the best location; and if the gated access point to the north could be utilized as a safer location.
- Applying for a design waiver for the existing entrance location is a possibility.
- Project entrance will need to be classified as a (regular / full-volume) commercial entrance, and will need to be designed, permitted, and constructed as such.

TJSWCD: Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District provides review of the Erosion & Sediment Control Plan. She was unable to attend the Site Plan Review Committee meeting, and did not provide written comments at the time of this report.

VDH: Mr. Tom Eick of the Virginia Department of Health explained that the existing well and septic permits are residential, and will need to be changed to commercial permits. This includes the submission of information from a licensed engineer detailing wastewater flow quantities and characterizations. A public water works permit may be necessary for the existing well, if 25 or more people are served at the property 60 or more times per year. Mr. Eick also inquired about the proposed measures for handling septic waste. The applicants explained that the facilities in the existing tourist home will be utilized for some of those demands; and that temporary facilities will be brought on-site for retreats, trainings, or other events which create more demand for those waste management services. The applicants noted that there is a 1,000-gallon holding tank existing on the property near the quonset hut. Mr. Eick responded that the project needs to either be permitted with an approved permanent setup, or regulated as a temporary setup (with individual permitting review and approval each time mobile services are provided).

Nelson County Building Code Official: Mr. David Thompson was not in attendance, but provided written comments after the meeting. Those comments are attached.

Nelson County Planning Commission: Mrs. Linda Russell's comments were similar to the comments provided to the applicant by County staff (above) and were addressed during discussion of those topics. Her primary concern was the need for additional screening between the subject property and the nearby residence to the southwest of the existing tourist home.

Staff Comments

Please note that the proposed use and project must be evaluated relative to the review criteria contained in Article 12, Section 3-2:

12-3-2 General Standards and Criteria for Special Use Permit Review.

All applications for Special Use Permits shall be reviewed using the following criteria:

- 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;
- 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;
- 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; and
- 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.

Of those four criteria, the proposed use(s) do create some concern over the "harmony" of the conference center activities relative to neighboring properties and relative to the very rural character of the surrounding area. Specifically, the proposed use(s) create concerns regarding noise from conferences, weddings, and/or other events (with amplified music and other noises) potentially being disruptive and adverse to nearby property owners.

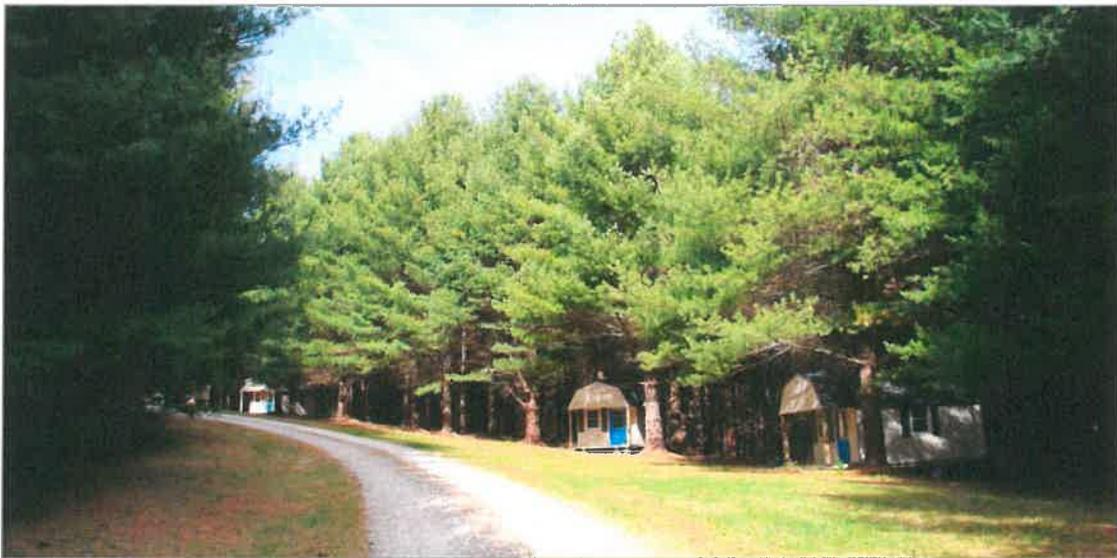
Regarding the "established pattern of development of the area," the proposed use needs to be evaluated relative to the vehicular trips that will be generated, and the impacts that may have on traffic mobility and road safety on this undeveloped stretch of Patrick Henry Highway. However, the overall proposed use(s) do not seem to represent an inherently inappropriate use of the property with respect to adjoining properties and the surrounding area.

Accordingly, County staff recommends that the PC consider recommending to the BOS that this Special Use Permit application #2014-009 be approved with conditions that attempt to mitigate disruptive noise (and other potential impacts) to adjoining properties and the surrounding area. Such conditions could be construed to limit the hours in which amplified music may be used, or be construed to impose other limits on noise (or limits on other potential perceived nuisances).

Thank you for your attention to this matter; please contact me if you have any questions about this report or this application, or if I may be of assistance in any other way.



Existing entrance looking left / north (left) and looking right / south (right).



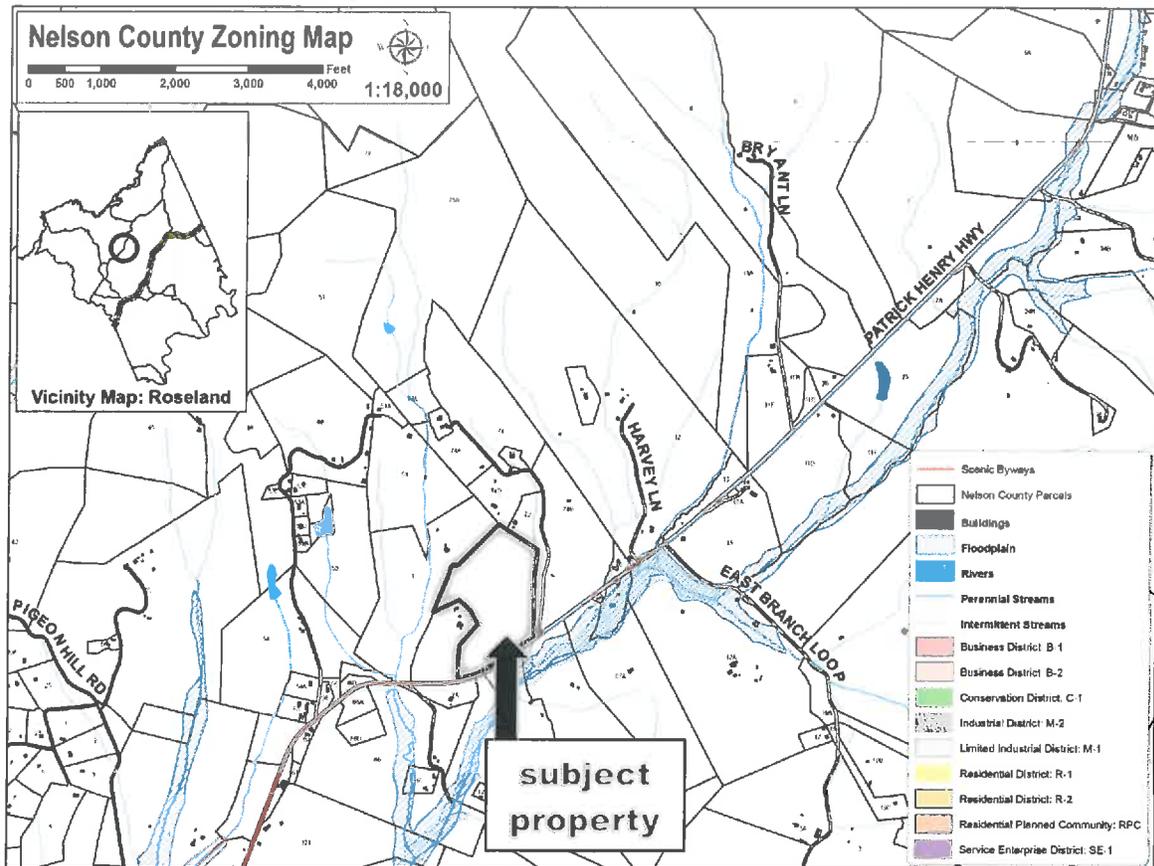
Existing driveway and four (4) "bunkhouse" cabins.

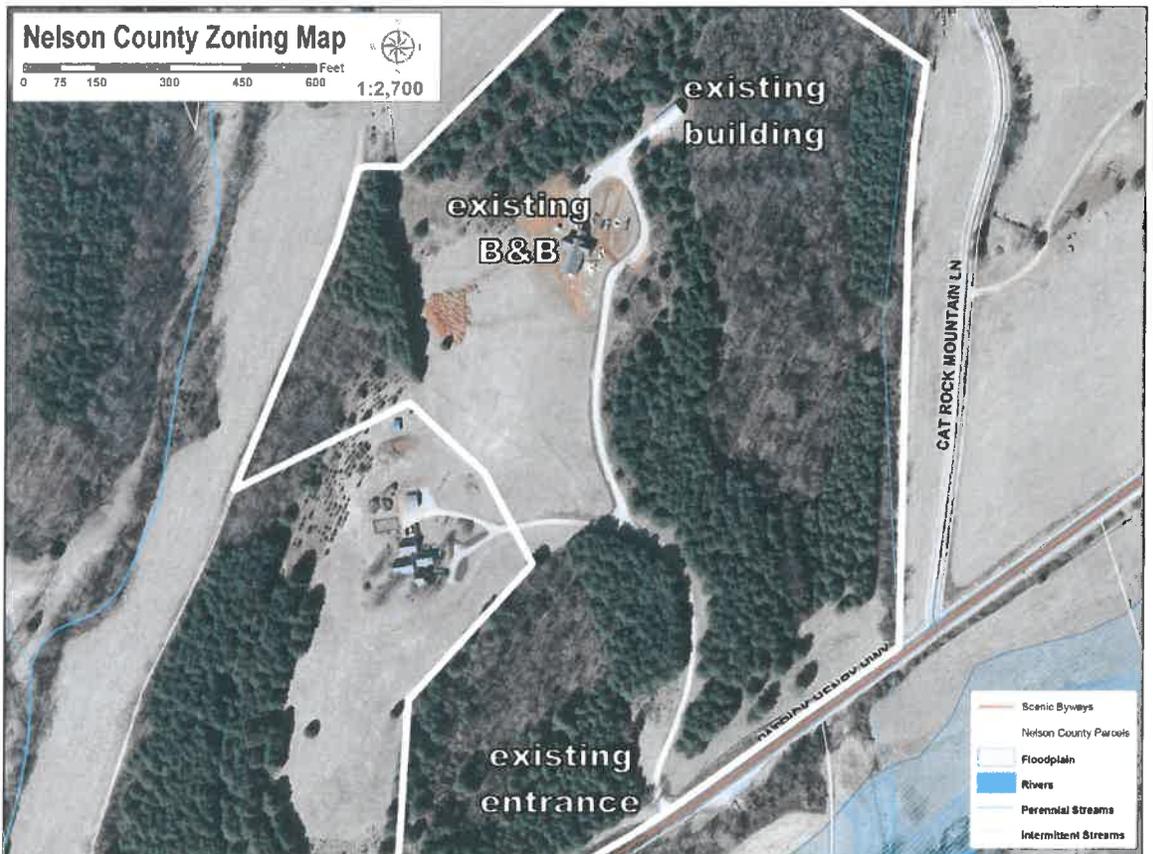


Existing "tourist home" (bed & breakfast).



Existing Airstream trailer.





TO THE ZONING ADMINISTRATOR:

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- Rezoning from _____ to _____
- Special Use Permit
- Site Plan - Preliminary (Optional)
- Site Plan - Final
- Amend text of Zoning Ordinance
- Subdivision - Regular Preliminary
- Subdivision - Regular Final
- Site Plan - Minor
- Site Plan - Major
- Other - _____

Pursuant to Article 4, Section 1-13A of the Nelson County Zoning Ordinance.
Pursuant to Section -, Subsection - of the Nelson County Subdivision Ordinance.

Reason(s) for request: A Conference Center permit would support educational retreats, team building, weddings and events that are educational, artistic & cultural in nature.

2. Applicant(s) and Property Owner(s): (Please print names of applicants and property owners and indicate applicable title. If applicant is not the property owner, show relationship, i.e. lessee, contract purchaser, etc.)

Applicant Property Owner Name: Elizabeth Anne Wachtmeister
Address: 10531 Patrick Henry Hwy, Roseland VA 22967
Tel. No.: _____ Cell No. 617840-8103 E-mail addr. _____

Relationship (if applicable): _____
 Applicant Property Owner Name: _____
Address: _____
Tel. No.: _____ Cell No. _____ E-mail addr. _____

Relationship (if applicable): _____
 Applicant Property Owner Name: _____
Address: _____
Tel. No.: _____ Cell No. _____ E-mail addr. _____

Relationship (if applicable): _____
 Applicant Property Owner Name: _____
Address: _____
Tel. No.: _____ Cell. No. _____ E-mail addr. _____

Relationship (if applicable): _____
(Use reverse if more space is needed.)

3. Location and Characteristics of Property:

a. Address of property including specific location, route numbers, street names, direction (NSEW), Magisterial District, etc.: Massie Mill

Official tax map number: Tm 42-5-2

b. Acreage of property: 38.67 Acres

c. Present use: Bed and breakfast and Agriculture (farm)

d. Present zoning classification: A-1

e. Zoning classification of surrounding properties: A-1(?)

(Continued on reverse.)

4. Names of Adjacent Property Owners: Sharon Day
Yvette & Tommy
Mr. Ferguson

5. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: [Signature]
Signature: _____
Signature: _____
Signature: _____

6. Additional information: Please see Attached Narrative.
Thank you
[Signature]

7. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement. The fee will be based on the actual cost of the ad, and will not apply in cases of Planning Commission or Board of Supervisor deferments.

*****TO BE COMPLETED BY PLANNING & ZONING OFFICE*****

Completed application and fee (\$ 300.00) received on October 31, 2014
Hearing Notice published on November 6th & 13th, 2014
Planning Commission action: Date of Hearing: November 19, 2014
Recommendation: _____

Board of Supervisor action: Date of Hearing: _____
Date of Decision: _____
Action: _____



Blue Haven 151 Farm

October 17, 2014

Dear Members of the Nelson County Planning Commission and Members of the Board of Supervisors:

My name is Anne Wachtmeister and I would like to introduce you to my vision for my property at Blue Haven 151 Farm, 10531 Patrick Henry Highway, Roseland, Virginia 22967. Currently operated as a farm and bed and breakfast, I am applying for special use permits that would support, and enhance, the property. As an experiential educator for the past 30 years who has been running an experiential learning center on St. Croix, an island in the US Virgin Islands, since 1996, I am passionate about working with middle school through graduate school students and teachers to support a multi disciplinary curriculum that encompasses local history, culture, eco systems, arts, music etc.. I am also passionate about getting kids and adults outdoors.

I moved back to my home state of Virginia to continue my work ~~of~~ with school groups that travel locally, nationally and internationally to participate in experiential learning weekends and weeks and to offer visitors and neighbors in Nelson County, and its variety of businesses and outdoor activities, a place where people could stay, relax and explore. Originally developed by the previous owner to be a healing arts center and bed and breakfast, Blue Haven 151 Farm offers 38 plus acres of mature pine trees (former Wilson tree farm), outstanding views of the Priest Mountain and surrounding smaller mountains making up the religious range.

Having worked on an island, I appreciate the longstanding culture of Western Nelson County for its beauty and solitude; living in harmony with nature and our neighbors. As a Nelson County resident, I greatly value community engagement and have no desire for altering what already makes our County a very special place. By developing my farm and bed and breakfast into a welcoming conference center/campground/hotel, I intend to minimize excavation as much as possible and to develop mobile restrooms that will not overwhelm or affect the property. The purpose of using vintage campers as future accommodations and creative studio space is to support my other passion for using recyclable products in art, building, etc. Local residents, students and guests will the have

the opportunity to see, touch, taste and feel how to live in an environment that recycles and then reuses where appropriate to do so.

I look forward to answering any questions you have moving forward and supporting the County residents and businesses. I greatly appreciate your consideration and am excited about being a positive contributing member of Nelson County.

Sincerely yours,

A handwritten signature in black ink, appearing to read "E. Anne Wachtmeister". The signature is fluid and cursive, with a large initial "E" and a long, sweeping underline.

E. Anne Wachtmeister, JD Ed.M.

Owner, Blue Haven 151 Farm

10531 Patrick Henry Hwy
Roseland, Virginia 22967
eawachtmeister11@gmail.com

617-840-8103

* Combined with Parcel 42-A-666C in May 2007



Special Use Permit #2014-009 – “Blue Haven 151 Farm” - Ms. Anne Wachtmeister	<u>Tax Map #</u>
Blue Haven 151, LLC. 10531 Patrick Henry Hwy Roseland, VA 22967	42-5-2B
<u>Adjoining Property Owner Name</u>	<u>Parcel ID</u>
Sharon Ann Day & Christine Ruth Morton 10305 Patrick Henry Hwy Roseland, VA 22967	42-5-2
Thomas H. & Yvette Stafford 10297 Patrick Henry Hwy Roseland, VA 22967	42-5-1
Gordon Daniel & Anne M. Ferguson 235 Cat Rock Mountain Road Roseland, VA 22967	42-A-72
Thomas Shelton Massie, Jr. 511 Cat Rock Mountain Lane Roseland, VA 22967	42-A-74D
Wilson Lee White, Jr. 10398 Patrick Henry Hwy Roseland, VA 22967	42-5-2A
James B. Massie & Others 441 Howardsville Turnpike Stuarts Draft, VA 24477	42-A-66C
Clyde P. & Bertha G. Graham 9220 Gregory Drive Richmond, VA 23236	42-A-67
John D. & Norma G. Stratton 707 Bashford Lane Alexandria, VA 22314	42-A-67B

DEPARTMENT
OF PLANNING



FILE COPY

PLANNING COMMISSION
BOARD OF ZONING APPEALS

November 10, 2014

Dear Property Owner:

The following request has been made for a tract of land adjacent to property you own in Nelson County.

The Nelson County Planning Commission has been asked to consider a Special Use Permit #2014-009 application submitted by Ms. Anne Wachtmeister (Blue Haven 151 Farm) seeking approval to allow for a Conference Center pursuant to Section 4-1-13a of the Zoning Ordinance. The subject property is identified as Tax Map Parcel #42-5-2B, located at 10531 Patrick Henry Hwy, Roseland. This is a 38.67-acre property zoned Agricultural (A-1), and is owned by the applicant.

This application will be considered by the Nelson County Planning Commission at a public hearing on **Wednesday, November 19, 2014 at 7:00 P. M.** The meeting will be held in the General District Courtroom located in the County Courthouse in Lovingston.

As required by the Code of Virginia and the Nelson County Zoning Ordinance, this notice is being sent to inform adjoining property owners of this request. If you wish to learn more about this request or to comment on it, you may contact and/or visit the Nelson County Department of Planning & Zoning, and/or attend the meeting.

Sincerely,

Timothy M. Padalino
Director, Planning and Zoning

TMP/svh

Copy to: Ms. Anne Wachtmeister

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission

From: Tim Padalino | Director of Planning & Zoning

Date: November 12, 2014

Subject: Minor Site Plan #2014-005 – Wayside Center corporate training center

<u>Site Address / Location:</u>	1100 Mill Pond Road / Faber / East District
<u>Tax Map Parcel:</u>	#48-A-15
<u>Parcel Size:</u>	approximately 24.6 acres
<u>Zoning:</u>	Agricultural (A-1)
<u>Request:</u>	Approval of Minor Site Plan #2014-005 for improvements to existing "corporate training center" in conjunction with approved Conditional Use Permit #2010-003
<i>Completed Application Received On: October 17</i>	

Application Overview

The Department of Planning & Zoning received a completed application in late October from Mr. Jeff Winder, seeking approval of Minor Site Plan #2014-005. This application seeks approval to construct permanent improvements as shown on the drawing by Saunders Surveys, Inc. and dated June 15, 2014.

The subject property is located on Mill Pond Road (Rte. 632), off of Irish Road (Rte. 6) in Faber. The 24.6-acre property is zoned Agricultural (A-1) and is currently used for the "Wayside Center" corporate training center. *(Please see maps on pages 4 and 5.)*

This Minor Site Plan is associated with approved Conditional Use Permit #2010-003, which allows for a "corporate training center" as approved by the Board of Supervisors on May 11, 2010. The conditions of that approval are that the CUP is non-transferable; and that no shooting range may be constructed or operated. The CUP approval also included the installation of one yurt, a semi-permanent tent.

"Corporate training center" is defined in Zoning Ordinance Article 2, "Definitions," as, "A commercial facility in which are offered instructional programs addressing organizational leadership and fostering organizational cohesiveness. Such facility may include lodging, dining and recreational amenities for those in attendance."

Summary of Requested Uses & Application Details

This Minor Site Plan seeks approval for the construction and operation of certain improvements associated with the existing Wayside Center “corporate training center.” Specifically, the site improvements include an expanded septic drainfield and a new parking lot containing approximately 10 spaces. Other proposed uses on the Minor Site Plan include a site for a yurt behind the existing dwelling, and additional camping spots near a small creek. The notes also indicate that a footbridge will be constructed to provide access between the proposed new parking lot and the existing dwelling; but this proposed improvement is not shown on the drawing.

Please note that this application required research on the existing Conditional Use Permit to see if it was still eligible and active. The primary concern was that all CUP’s (and SUP’s) automatically expire if the approved use is not established within 12 months (see Z.O. §12-3-8-b. “Expiration”). Since the applicant never received Site Plan approval after obtaining CUP approval, the status of the CUP was unclear.

However, the applicant has indicated that the property has been used for Corporate Training Center uses in the past – albeit without upgrading, developing, or improving the site. See the attached letter from Mr. Winder, received October 17th, stating that his CUP was “activated” or validated within 12 months of his approval. The letter also explains why he didn’t get a Site Plan reviewed or approved: because his initial operation of the Corporate Training Center did not involve any improvements that would trigger the Site Plan requirement. But the applicant’s recent desire to construct the new parking lot, install a new septic drainfield, and make other improvements now requires that the Site Plan review/approval process be undertaken.

Please note that one of the conditions established by the Board of Supervisors when they approved CUP #2010-003 is that the CUP is not transferable. County records show that CUP #2010-003 was approved for the following applicants: Dr. Byrd Leavell, property owner, and Mr. Jeff Winder, petitioner.

Site Plan Review Committee

The Site Plan Review Committee met on November 12th to review the proposed Minor Site Plan, prepared by Saunders Surveys, Inc. The committee members’ comments are as follows:

Director of Planning & Zoning:

• Signage:

- Location, size, and details of all signage are not specified. It is not clear if signs are proposed, or not. These site details must be addressed as part of this site plan review.
- *Note: Applicant stated at 11/12 Site Plan Review meeting that signage will be addressed at a later date, through a New Sign Permit Application. Applicant also confirmed that the entrances will be correctly signed to satisfy VDOT comments about private residential use, handicap parking, etc.*

• Lighting:

- Location and type of exterior lighting is not specified. It is not clear if exterior lighting is proposed, or not. These site details must be addressed as part of this site plan review.
- *Note: Applicant stated at 11/12 Site Plan Review meeting that existing residential lighting fixtures will be used, and that no additional exterior lighting is planned for parking area, camping area, or other areas of the project.*

- Landscaping & Screening:

- Location, type, and size of landscaping materials is not specified. It is not clear if landscaping is proposed, or not. These site details must be addressed as part of this site plan review.
- *Note: Applicant stated at 11/12 Site Plan Review meeting that existing landscaping and trees will be maintained to a large extent, and that no additional landscaping is planned as part of these proposed improvements.*

- Parking Spaces:

- The Site Plan indicates that a minimum of 3 spaces are currently provided, plus at least one (1) additional handicap space is currently provided; and that an additional 10 spaces are specified in the proposed stone parking lot.
- Per the Site Plan, the parking requirements are for two (2) spaces for each classroom and one (1) space for each 300 SF of other teaching / instruction space (using the “Educational (1)” category contained in §12-7-6b).

- Required Site Improvements & Bonding Requirements:

- (§13-6-1-L): required improvements must be secured through a bond furnished by the developer in an amount calculated or approved by the Planning & Zoning Director in accordance with established specifications and construction schedules
- (§13-6-1-M): plans and specifications for all required improvements to be installed shall be prepared by a licensed engineer
- Applicable “required improvements” to be bonded include the parking areas (and landscaping, if applicable).

- Other Comments:

- Checklist Item E: Remove “NCSA” from signature panel

VDOT: Mr. Jeff Kessler provided the following comments:

- Submit a copy of the Hurt & Proffitt speed study
- Need clarification on status of existing entrance permit (could not be found in VDOT files)
- Need written clarification about the existing and proposed use(s) of the different entrances
- Install signage at existing entrance clarifying that it is a “private drive,” “private residence,” or something similar
- Install signage at existing entrance clarifying that handicap access is available at that entrance only

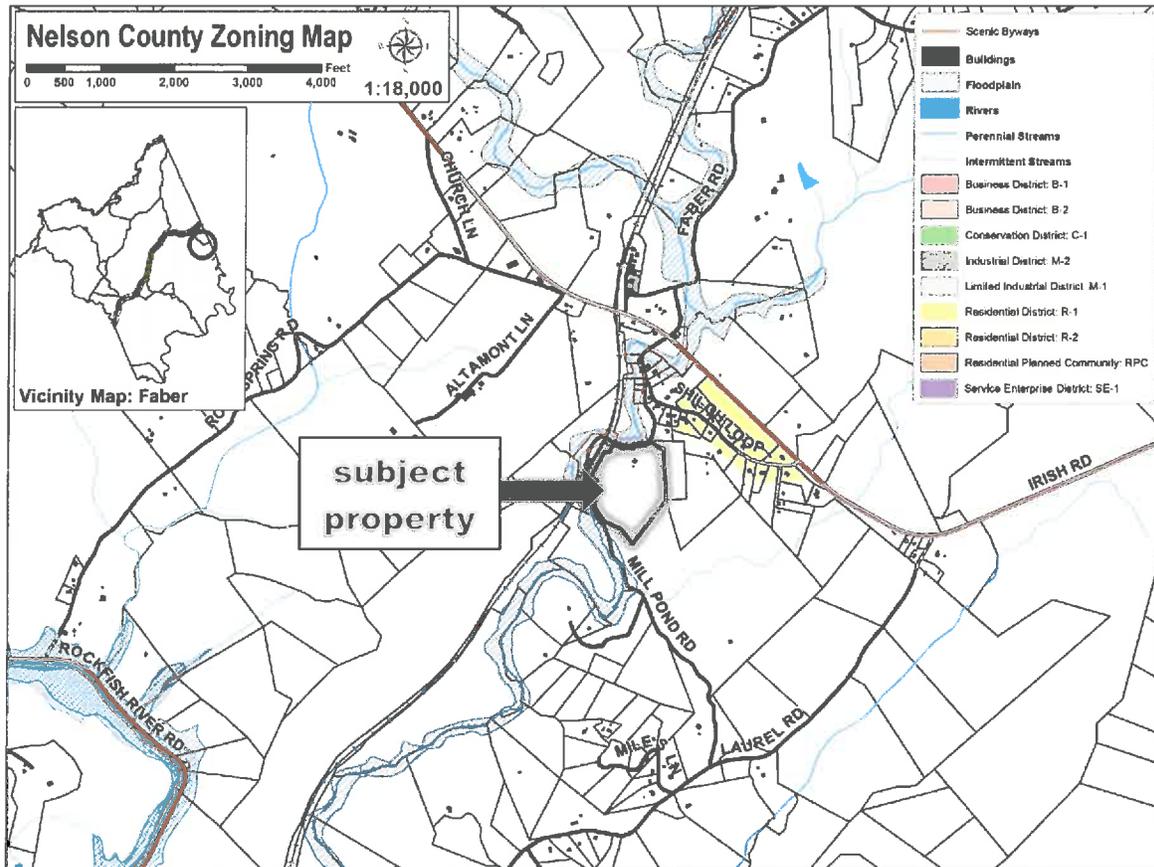
TJSWCD: Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District provides review of the Erosion & Sediment Control Plan. She was unable to attend the Site Plan Review Committee meeting and did not provide written comments at the time of this report.

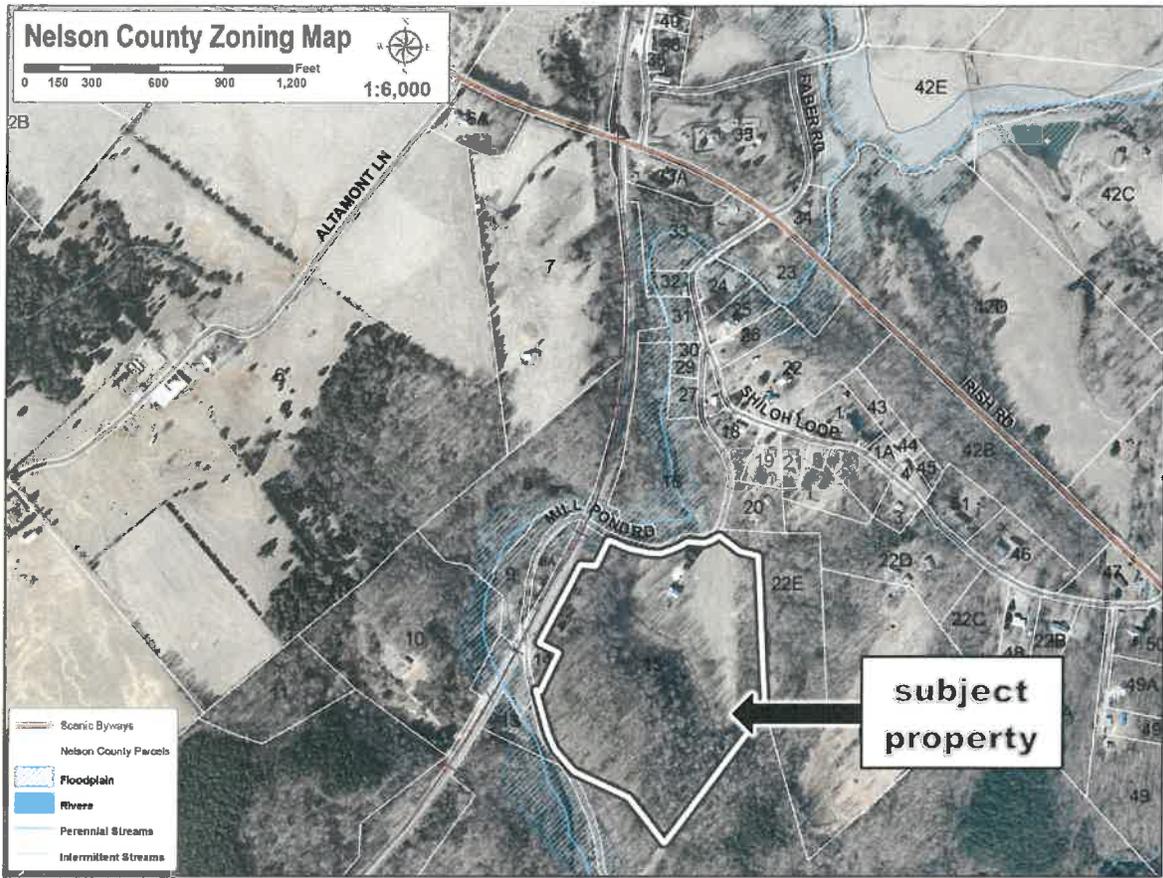
VDH: Mr. Tom Eick of the Virginia Department of Health explained that a public water works permit may be necessary for the existing well, if 25 or more people are served at the property 60 or more times per year. Mr. Winder noted that he expects to have more than 25 people on the property only a few times each year (perhaps for a total of six days, by his estimate). He also noted that he is willing to “cap” the maximum number of attendees to 24 for most events and trainings. Mr. Winder explained that this 24-person limit is acceptable to him, since his vision for increased use of the center would be realized through higher frequency of small-scale trainings – and not through increases to the size or number of attendees at trainings.

Nelson County Building Code Official: Mr. David Thompson provided written comments (attached).

Nelson County Planning Commission: Mrs. Linda Russell's comments were incorporated into the comments provided to the applicant by County staff (above).

Thank you for your attention to this matter; please contact me if you have any questions about this report or this application, or if I may be of assistance in any other way.





MINOR SITE PLAN No. 2014-005

TO THE ZONING ADMINISTRATOR:

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- Rezoning from _____ to _____
- Special Use Permit
- Site Plan - Preliminary (Optional)
- Site Plan - Final
- Amend text of Zoning Ordinance
- Subdivision - Regular Preliminary
- Subdivision - Regular Final
- Site Plan - Minor
- Site Plan - Major
- Other - _____

Pursuant to Article 13, Section 1-1 of the Nelson County Zoning Ordinance.
Pursuant to Section _____, Subsection _____ of the Nelson County Subdivision Ordinance.

Reason(s) for request: need for site improvements including
expanded septic field

2. Applicant(s) and Property Owner(s): (Please print names of applicants and property owners and indicate applicable title. If applicant is not the property owner, show relationship, i.e. lessee, contract purchaser, etc.)

Applicant Property Owner Name: JEFF WINDER for Virginia Levee II
Address: 1100 Mill Pond Road Faber, VA 22938
Tel. No.: 434-263-5115 Cell No. 434-906-0421 E-mail addr. jeff@wvaysubdivcenter.org
Relationship (if applicable): Employee

Applicant Property Owner Name: Virginia Levee II
Address: 1223 Decatur St NW Washington DC 20011
Tel. No.: _____ Cell No. (202) 674-0900 E-mail addr. ginstock13@gmail.com
Relationship (if applicable): owner

Applicant Property Owner Name: _____
Address: _____
Tel. No.: _____ Cell No. _____ E-mail addr. _____
Relationship (if applicable): _____

Applicant Property Owner Name: _____
Address: _____
Tel. No.: _____ Cell No. _____ E-mail addr. _____
Relationship (if applicable): _____

(Use reverse if more space is needed.)

3. Location and Characteristics of Property:

a. Address of property including specific location, route numbers, street names, direction (NSEW),
Magisterial District, etc.: 1100 Mill Pond Rd. Faber, VA 22938

Official tax map number: 40-A-15

b. Acreage of property: 24.6 acres

c. Present use: _____

4. Names of Adjacent Property Owners: _____

5. ^{need property owner's signature} Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: Virginia Leavelle
Signature: _____
Signature: _____

6. Additional information: _____

7. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement. The fee will be based on the actual cost of the ad, and will not apply in cases of Planning Commission or Board of Supervisor deferments.

*****TO BE COMPLETED BY PLANNING & ZONING OFFICE*****

Completed application and fee (\$ 100.00) received on October 16, 2014

Hearing Notice published on _____

Planning Commission action: Date of Hearing: November 19, 2014

Recommendation: _____

Board of Supervisor action: Date of Hearing: _____

Date of Decision: _____

Action: _____





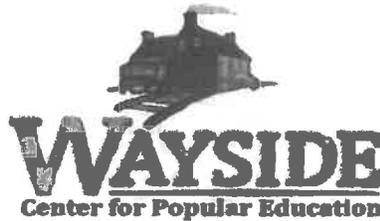
1100 Mill Pond Road Faber, VA 22938
(434) 263-5115

Tim Paladino
Nelson County Planning and Zoning

Dear Tim,

In preparation for submitting our site plan, this letter is to confirm that we have been operating under the terms of the conditional use permit for a Corporate Retreat Center granted by the County Boards of Supervisors to Virginia Leavell, owner of the property at 1100 Mill Pond Road since the permit was issued.

Sincerely,
Jeff Winder
Jeff Winder - Coordinator, Wayside Center
Acting on behalf of Virginia Leavell



1100 Mill Pond Road Faber, VA 22938
(434) 263-5115

Tim Paladino
Nelson County Planning and Zoning

Dear Tim,

In preparation for submitting our site plan, this letter is to confirm that we have been operating under the terms of the conditional use permit for a Corporate Retreat Center granted by the County Boards of Supervisors to Virginia Leavell, owner of the property at 1100 Mill Pond Road since the permit was issued.

None of the improvements to the site have been made. The most substantial improvement, an upgraded septic system, was planned with future growth in mind as useage increased over time. We hired an engineer to design the system for us and then had a delay in funding that prevented us from completing the site plan with the surveyor. By the time the funding problem was resolved, there had been some changes to the statutes which required adaptations to the design of the septic system and the site plan itself causing further delays.

At this time we are ready to proceed and present the site plan for review.

Sincerely,
Jeff Winder
Jeff Winder - Coordinator, Wayside Center
Acting on behalf of property owner Virginia Leavell

Minor Site Plan #2014-005 – Mr. Jeff Winder – “Wayside Center”

Virginia H. Leavell
1223 Decatur Street NW
Washington, DC 20011

Tax Map #

48-A-15

Adjoining Property Owner Name

Goff Properties LLC
454 Shiloh Loop
Faber, VA 22938

Parcel ID

48-A-15A
48-A-22E

Ian C. Nichols & Kristin L. Adolfson
6054 Sugar Hollow Road
Crozet, VA 22932

48-A-15B

John W. & Marilyn B. Pace
525 Mill Pond Road
Faber, VA 22938

48-A-12

James W. & Annie F. Butler
8764 Irish Road
Faber, VA 22938

48-A-13

Ethel Martin Thompson & Kenneth L. Thompson
1074 Whipoorwill Road
Appomattox, VA 24522

48-A-14

Willard F. & Norma W. Knight
212 Shiloh Loop
Faber, VA 22938

48-A-16



DEPARTMENT OF
PLANNING & ZONING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission

From: Tim Padalino | Director | Department of Planning & Zoning

Date: November 12, 2014

Subject: Wayside Stand Permit #2014-001: William Karnes / 6222 Rockfish Valley Hwy

<u>Site Address / Location:</u>	6222 Rockfish Valley Highway (east side of highway) / Greenfield / North District
<u>Tax Map Parcel:</u>	#12-A-109
<u>Parcel Size:</u>	approximately 7.1 acres
<u>Zoning:</u>	Agricultural (A-1)
<u>Request:</u>	Approval of Wayside Stand Permit #2014-001 to sell agricultural and horticultural products year-round
<i>Completed Application Received On: October 7</i>	

Application Overview

Mr. William Karnes of Frog Hollow Family Farm has applied for a Wayside Stand Permit to operate a small stand in the Greenfield area of Afton. Mr. Karnes is currently operating a wayside stand at that location, and is seeking permission from the County to continue operating with proper permit approvals.

The Zoning Ordinance defines “wayside stands,” in Article 2, “Definitions” as follows:

Wayside stand, roadside stand, wayside market: Any structure or land used for the sale of agricultural or horticultural produce; livestock, or merchandise produced by the owner or his family on their farm.

Mr. Karnes’ application states that, “We are a family owned farm trying to setup a wayside stand to offer our fresh vegetables, produce, eggs, and pork.” His agricultural operations are located in Afton (Bland Wade Lane) and in Nellysford (Adial Road). He has stated that everything he is selling at the wayside stand is either agricultural or horticultural in nature; and that his family produces approximately 70% of the products being sold at one of those two farm sites.

Mr. Karnes has stated that he intends to operate from approximately 2:00 – 5:00 pm on Wednesdays through Sundays. He wishes to operate the wayside stand year-round, offering seasonal products throughout the year (such as produce in the summer, pumpkins and mums during fall, wreaths and trees during the winter holiday season, etc.). Mr. Karnes has also stated

that he primarily sells his products at the Nellysford Farmers Market; but that market does not operate during the winter. Because he owns and uses specialized equipment that allows him to extend his growing season, he wants to also expand his ability to sell products for a longer portions of the year and maximize his earnings.

Please note that the wayside stand location is at the dwelling used as a Home Occupation by Ms. Kim Page for art studio instruction and classes. Mrs. Page is also seeking approval for a Special Use Permit for that property to operate a “craft, gift, or antique shop” in the Agricultural District – a use which is also currently taking place without permit approval.

Staff Comments

County staff are concerned with the location of the wayside stand, with respect to Route 151 and the physical characteristics of the subject property.

6222 Rockfish Valley Highway is a historic dwelling set up for residential use – it does not appear to be a property that is well suited to accommodate ongoing retail use(s) or handle associated vehicular traffic. The primary concern is the issue of safety, as it relates to the high volume of traffic on Route 151 and to the proximity of the proposed wayside stand to the public right-of-way.

Although the subject property does have a semi-circular driveway with both a northern and southern entrance onto Rockfish Valley Highway, VDOT has indicated concerns over the safety of those entrances being utilized for the proposed use. Mr. Jeff Kessler has conveyed to the applicant the need to submit engineered drawings and analysis, before VDOT can make a recommendation on the safety and appropriateness of the permit application as it relates to safety and mobility on Route 151. That request was made to Mr. Karnes at the Site Plan Review Committee meeting held on November 12th.

Additionally, the proposed frequency and duration of the wayside stand use are also a concern. Wayside stands are traditionally temporary uses. With this application seeking approval for ongoing, year-round operations, this wayside stand is functionally very similar to a retail store or other commercial enterprise.

Summary

The proposed use at the proposed location raises significant concerns. The Planning Director recommends that the Planning Commission not approve this Wayside Stand Permit #2014-001 for the following reasons:

1. Unresolved issues and concerns with transportation, traffic demand, road safety and mobility
2. Lack of VDOT recommendation for approval
3. Location of property relative to intersection of concern and busy stretch of Route 151 (as identified in 2013 Route 151 Corridor Study)
4. Unresolved issues involving the subject property (pending submission of Site Plan and requested Special Use Permit)

Thank you for your attention to these policy recommendations; and please contact me with any questions you may have regarding the information contained in this report.



TO THE ZONING ADMINISTRATOR:

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- Rezoning from _____ to _____
- Special Use Permit
- Site Plan - Preliminary (Optional)
- Site Plan - Final
- Amend text of Zoning Ordinance
- Subdivision - Regular Preliminary
- Subdivision - Regular Final
- Site Plan - Minor
- Site Plan - Major
- Other - Wayside permit

Pursuant to Article _____, Section _____ of the Nelson County Zoning Ordinance.
Pursuant to Section _____, Subsection _____ of the Nelson County Subdivision Ordinance.

Reason(s) for request: We are a family owned farm trying to set up a wayside stand to offer our fresh vegetables, produce, eggs, and pork

2. Applicant(s) and Property Owner(s): (Please print names of applicants and property owners and indicate applicable title. If applicant is not the property owner, show relationship, i.e. lessee, contract purchaser, etc.)

Applicant Property Owner Name: William Karnes Frog Hollow Family Farm
 Address: 1108 Pounding Branch Rd Aston VA
 Tel. No.: _____ Cell No. 540-221-0505 E-mail addr. FrogHollow155@gmail.com
 Relationship (if applicable): _____

Applicant Property Owner Name: Kim & Glen Page
 Address: 6222 Rockfish Valley Highway Aston VA 22920
 Tel. No.: _____ Cell No. 540-244-9653 E-mail addr. KPage61@aol.com
 Relationship (if applicable): _____

Applicant Property Owner Name: _____
 Address: _____
 Tel. No.: _____ Cell No. _____ E-mail addr. _____
 Relationship (if applicable): _____

Applicant Property Owner Name: _____
 Address: _____
 Tel. No.: _____ Cell. No. _____ E-mail addr. _____
 Relationship (if applicable): _____

(Use reverse if more space is needed.)

3. Location and Characteristics of Property:

a. Address of property including specific location, route numbers, street names, direction (NSEW), Magisterial District, etc.: 6222 Rockfish Valley Highway Aston VA 22920

Official tax map number: 12a109

b. Acreage of property: 7.177

c. Present use: _____

d. Present zoning classification: A1

e. Zoning classification of surrounding properties: _____

4. Names of Adjacent Property Owners: _____

5. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: Kimberly D. Page

Signature: _____

Signature: _____

Signature: _____

6. Additional information: _____

7. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement. The fee will be based on the actual cost of the ad, and will not apply in cases of Planning Commission or Board of Supervisor deferments.

*****TO BE COMPLETED BY PLANNING & ZONING OFFICE*****

Completed application and fee (\$ 25.00) received on 10/7/2014

Hearing Notice published on N/A

Planning Commission action: Date of Hearing: November 19, 2014

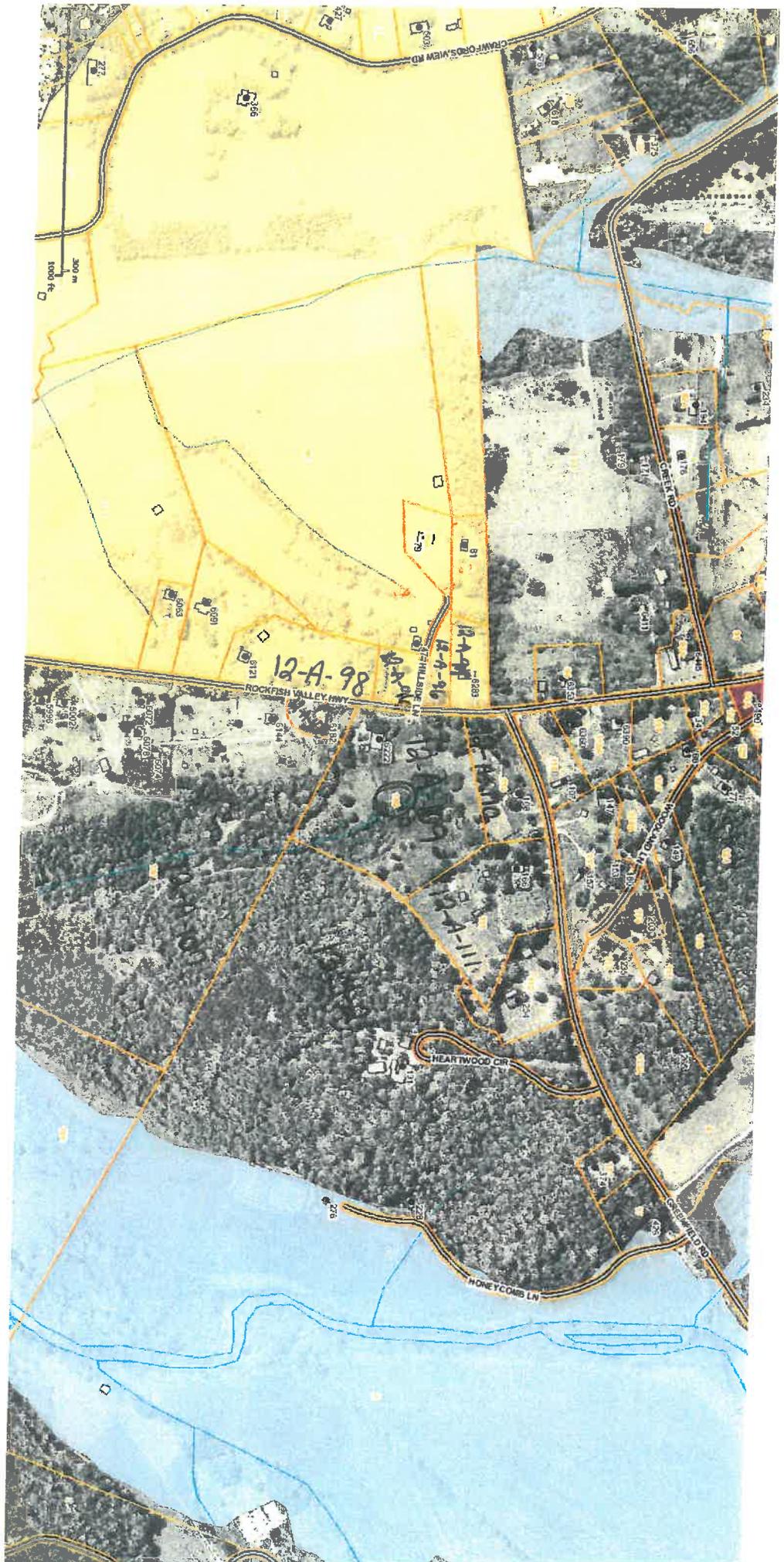
Recommendation: _____

Board of Supervisor action: Date of Hearing: N/A

Date of Decision: _____

Action: _____

make check to county...



Wayside Stand Permit #2014-001 – Mr. William Karnes

Richard G. & Kimberly D. Page
6222 Rockfish Valley Hwy
Afton, VA 22920

Tax Map #

12-A-109

Adjoining Property Owner Name

Sam Clayborne
c/o Mary Parker
5105 4th Street NW
Washington, DC 20011

Parcel ID

12-A-110

Calvin Henry Truslow
166 Greenfield Road
Afton, VA 22920

12-A-111

Seth E. McClain
P.O. Box 611
Stuarts Draft, VA 24477

12-A-108

Joe Lee McClellan Inc.
P.O. Box 395
Lovingston, VA 22949

12-A-107

Robert W. Fields & Others
79 Hillside Lane
Afton, VA 22920

12-A-96

Pamela L. Coffey
6283 Rockfish Valley Hwy
Afton, VA 22920-3031

12-A-97

Clinton Thomas & Martha J. Frazer
6121 Rockfish Valley Hwy
Afton, VA 22920

12-A-98

Shannon Farm Assn Inc.
c/o Treasurer
274 Shannon Farm Lane
Afton, VA 22920

13-4-2

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission
From: Tim Padalino | Director | Department of Planning & Zoning
Date: November 12, 2014

Subject: Wayside Stand Permit #2014-002: Shelby Bruguire / 8063 Rockfish Valley Hwy

<u>Site Address / Location:</u>	8063 Rockfish Valley Highway (west side of highway) / Afton / North District
<u>Tax Map Parcel:</u>	#12-A-148
<u>Parcel Size:</u>	approximately 4.6 acres
<u>Zoning:</u>	Agricultural (A-1)
<u>Request:</u>	Approval of Wayside Stand Permit #2014-002 to sell agricultural and horticultural products from Dickie Brothers Orchards
<i>Completed Application Received On: October 8</i>	

Application Overview

Mrs. Shelby Bruguire has applied for a Wayside Stand Permit to operate a small stand in Afton. Mrs. Bruguire is seeking permission from the County to sell agricultural products from Dickie Brothers Orchard, stating a desire to increase the amount of direct-to-consumer sales of apples and other products by opening a location that can capitalize on the high volume of traffic and tourists in Afton.

The Zoning Ordinance defines “wayside stands,” in Article 2, “Definitions” as follows:

Wayside stand, roadside stand, wayside market: Any structure or land used for the sale of agricultural or horticultural produce; livestock, or merchandise produced by the owner or his family on their farm.

Mrs. Bruguire has stated that everything that would be sold at the wayside stand would either be agricultural or horticultural in nature; and that 100% of the products would be produced at Dickie Brothers Orchards. The applicant has also stated that she intends to operate the wayside stand on Saturdays and Sundays during the peak growing season, probably from August through mid-November.

Staff Comments

The Planning & Zoning Director has forwarded this application to the Planning Commission for review and action, and was not comfortable making an administrative decision on this type of permit application. The PC's assistance is requested in determining (1) if the proposed use is safe and (2) if the proposed use is appropriate relative to the surrounding area and adjoining properties.

With regards to the first issue, the County has involved Mr. Jeff Kessler of VDOT and has requested that VDOT provide a "recommendation for approval" prior to the permit application being approved.

Mr. Kessler has since stated that the applicant needs to submit engineered drawings and analysis, before VDOT can make a recommendation on the safety of the proposed use at the proposed location. Specifically, Mr. Kessler explained to the applicant that VDOT needs to receive professionally-prepared information in order to determine if (1) the entrance location is permissible, and (2) the entrance design is sufficient. That request was made to Mrs. Bruguere at the Site Plan Review Committee meeting held on November 12th.

Summary

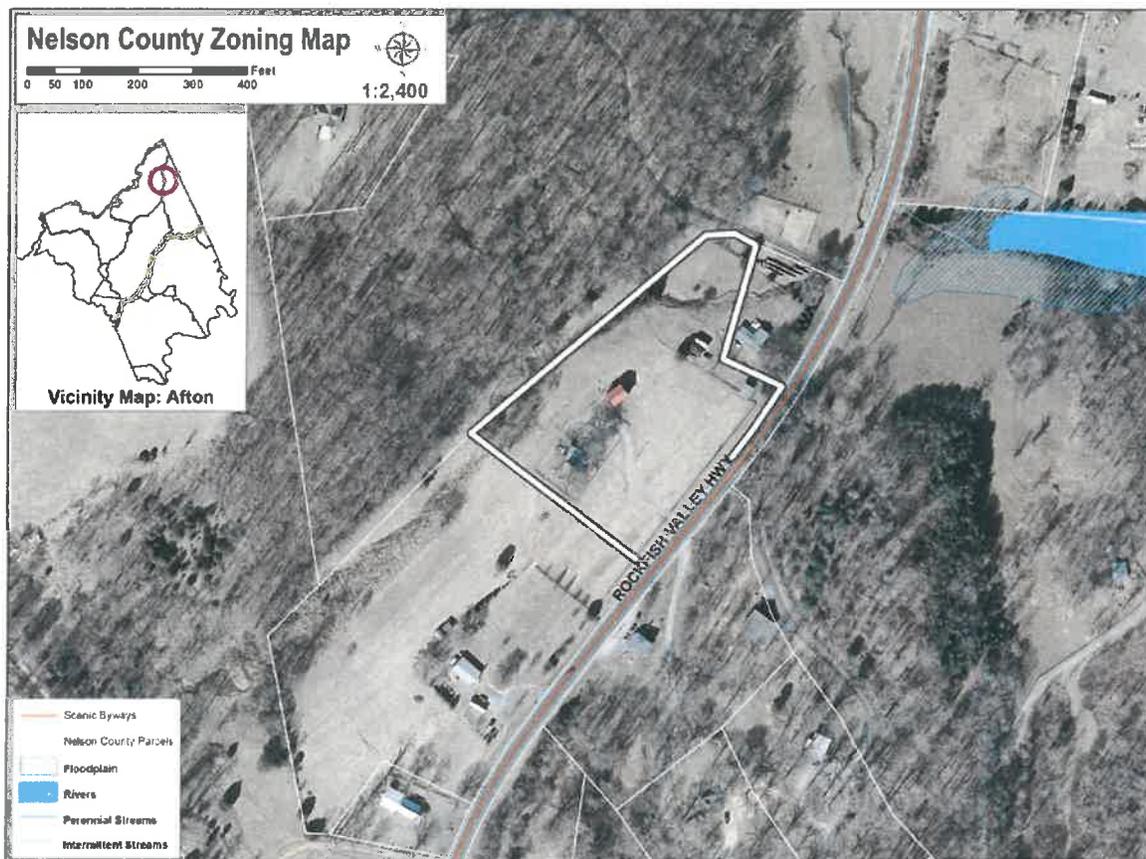
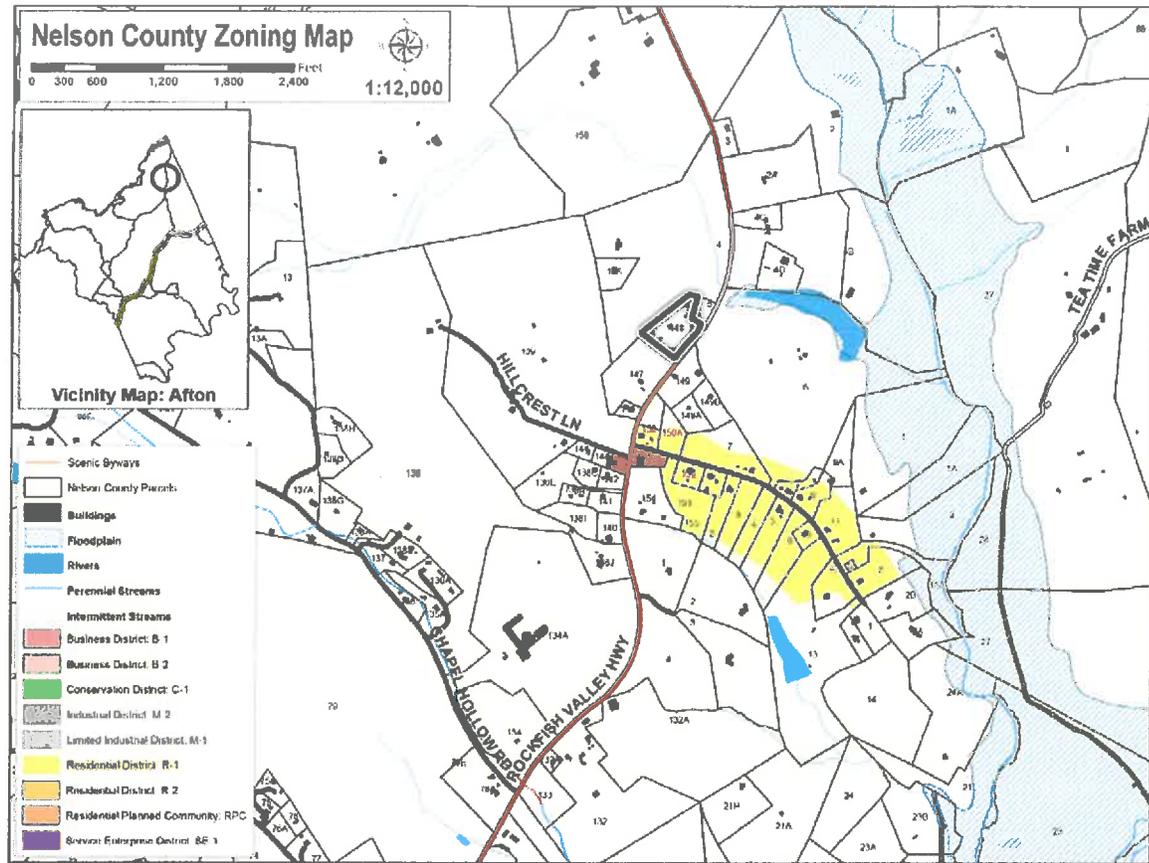
The Planning & Zoning Director recommends that the Planning Commission consider approving this Wayside Stand Permit #2014-002, pending VDOT providing a "recommendation for approval," for the following reasons:

1. The proposed wayside stand location would be located relatively far from the public right-of-way, allowing for easier and safer access and less likelihood of congestion
2. The proposed wayside stand would only be operating on weekends for a few months out of the calendar year
3. The proposed wayside stand would be selling products that were produced entirely by the property owner's family (as required)

Importantly, please note that this staff recommendation for approval includes the following recommended conditions:

1. VDOT provides a "recommendation for approval" for the permit application
2. The permit approval is limited to calendar year 2015, in order to review the operation, safety, and appropriateness of the wayside stand after one growing season, and to mitigate the possibility that an open-ended approval for retail sales could (over time) become a circumvention of the Zoning Ordinance regulations for the Agricultural District.

Thank you for your attention to these policy recommendations; and please contact me with any questions you may have regarding the information contained in this report.





TO THE ZONING ADMINISTRATOR:

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- Rezoning from _____ to _____
- Special Use Permit
- Site Plan - Preliminary (Optional)
- Site Plan - Final
- Amend text of Zoning Ordinance
- Subdivision - Regular Preliminary
- Subdivision - Regular Final
- Site Plan - Minor
- Site Plan - Major
- Other - Wayside Stand Permit

Pursuant to Article _____, Section _____ of the Nelson County Zoning Ordinance.
Pursuant to Section _____, Subsection _____ of the Nelson County Subdivision Ordinance.

Reason(s) for request: Ag. products - Wayside Stand
Products of Dickie Bros. Orchard

2. Applicant(s) and Property Owner(s): (Please print names of applicants and property owners and indicate applicable title. If applicant is not the property owner, show relationship, i.e. lessee, contract-purchaser, etc.)

Applicant Property Owner Name: Sheiby Ralston Brugwierke
Address: 8063 Rockfish Valley Hwy. Afton, VA 22920
Tel. No.: 434-531-9252 Cell No. _____ E-mail addr. sheiby@dickiebros.com

Relationship (if applicable): _____
 Applicant Property Owner Name: _____
Address: _____
Tel. No.: _____ Cell No. _____ E-mail addr. _____

Relationship (if applicable): _____
 Applicant Property Owner Name: _____
Address: _____
Tel. No.: _____ Cell No. _____ E-mail addr. _____

Relationship (if applicable): _____
 Applicant Property Owner Name: _____
Address: _____
Tel. No.: _____ Cell. No. _____ E-mail addr. _____

Relationship (if applicable): _____
(Use reverse if more space is needed.)

3. Location and Characteristics of Property:

a. Address of property including specific location, route numbers, street names, direction (NSEW), Magisterial District, etc.: Rockfish - North District

Official tax map number: 12-A-148

b. Acreage of property: 4.63

c. Present use: residential - hay fields

d. Present zoning classification: Ag.

e. Zoning classification of surrounding properties: Ag.

4. Names of Adjacent Property Owners: Shelly Ralston Bingham, Florence Ramsey, Tommy L. Draz Harkney, Ken Mohler

5. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property

Signature: Shelly Ralston Bingham
Signature: _____
Signature: _____
Signature: _____

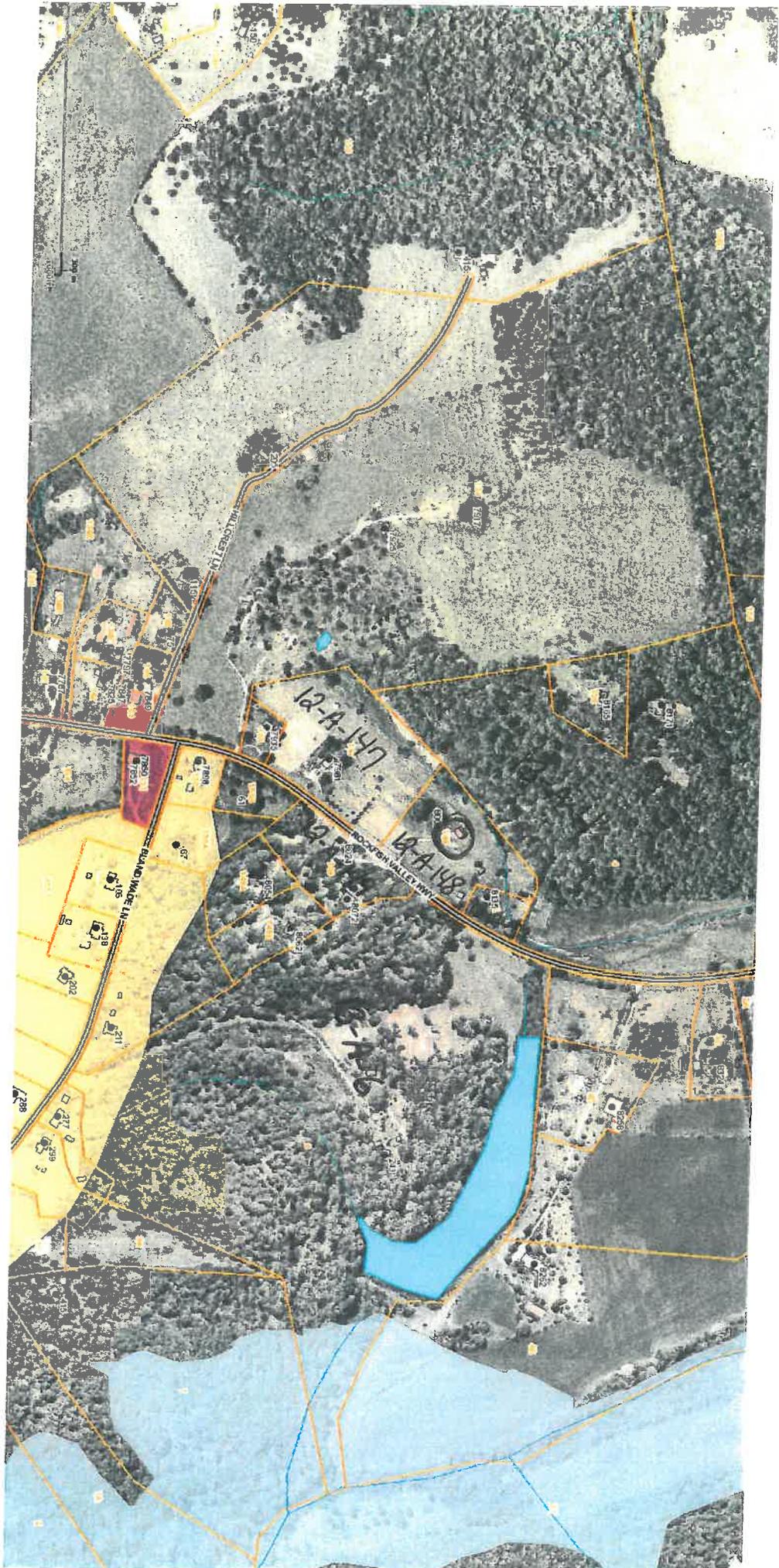
6. Additional information: _____

7. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement. The fee will be based on the actual cost of the ad, and will not apply in cases of Planning Commission or Board of Supervisor deferments.

*****TO BE COMPLETED BY PLANNING & ZONING OFFICE*****

Completed application and fee (\$ 25.00) received on 10-8-14
Hearing Notice published on N/A
Planning Commission action: Date of Hearing: ~~##~~ November 19, 2014
Recommendation: _____

Board of Supervisor action: Date of Hearing: N/A
Date of Decision: _____
Action: _____



Wayside Stand Permit #2014-002 – Ms. Shelby Bruguire

Ms. Shelby Bruguire
8063 Rockfish Valley Hwy
Afton, VA 22920

Tax Map #

12-A-148

Adjoining Property Owner Name

Florence M. Ramsey & Shelby H. Ralston
7981 Rockfish Valley Hwy
Afton, VA 22967

Parcel ID

12-A-147

Kenneth H. & Rose M. Mohler
8135 Rockfish Valley Hwy
Afton, VA 22920

13-A-5

Thomas Dale & Diane S. Harvey
10921 Rockfish Valley Hwy
Afton, VA 22920

13-A-4

Dolly C. Lawhorne
8072 Rockfish Valley Hwy
Afton, VA 22920

12-A-149

Samuel A. Young
243 Bland Wade Lane
Afton, VA 22920

13-A-6

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission
From: Tim Padalino | Director | Department of Planning & Zoning
Date: November 12, 2014
Subject: Recommendations to revise and improve “Wayside Stand Permits” review process and application procedures

The Planning Commission (PC) and Board of Supervisors (BOS) recently completed the process of amending the Zoning Ordinance with respect to agricultural operations, breweries, distilleries, and other similar land uses. These amendments were adopted by the BOS on October 14th (Ordinance O2014-06).

Please note that one major category of “direct-to-consumer” sales of agricultural products were not addressed in those recently-adopted amendments: the sales of agricultural products off-site from where the products were produced. That category can further be divided into two broad uses:

1. Off-site sales of agricultural products that were produced on agricultural operations controlled or owned by the operator of the facility; and
2. Off-site sales of agricultural products that were produced on agricultural operations not controlled or owned by the operator of the facility.

This report attempts to summarize those two issues, and to provide recommendations on how those two land uses could be subject to improved regulations and more effective application review procedures.

1. Direct-to-Consumer Sales: “Wayside Stand”

Regarding the first type of direct-to-consumer land use, the Zoning Ordinance currently attempts to address this issue by providing for “wayside stands,” which is currently defined in Article 2, “Definitions” as follows:

Wayside stand, roadside stand, wayside market: Any structure or land used for the sale of agricultural or horticultural produce; livestock, or merchandise produced by the owner or his family on their farm.

“Wayside stand” is currently a permissible use in the A-1 District that requires an administratively-approved zoning permit, pursuant to Article 4, “Agricultural A-1,” Section §4-11, “Administrative Approvals,” subsection 2.

However, the existing Ordinance language is problematic for several reasons.

1. That provision (§4-11-2) provides no explanation of how this land use should be regulated, or what criteria shall be considered when reviewing such applications.
2. That provision also provides no explanation of the required application materials, and/or the procedures for reviewing and approving such applications.
3. The administrative nature of the review is also somewhat problematic. The “wayside stand” land use has a considerable and direct nexus with public safety issues, as it relates to the public road system, road safety and mobility, and potential alterations to the existing traffic patterns. An administrative review for such proposed land uses is inadequate, with respect to land use regulations being relied upon as a local government mechanism to protect public health, safety, and welfare.

Therefore, the Planning & Zoning Director recommends the following:

1. The wayside stand permit provision needs to specify what information is required with each application, in order for the County to make an informed review and to accurately determine if the proposed use is appropriate and safe.
2. The wayside stand permit provision needs to establish procedures for reviewing and approving such applications, including the involvement of other regulatory agencies (if any) as appropriate.
3. The review and/or approval of wayside stand permit applications should be done in connection with other regulatory authorities who have expertise and purview over such issues (including but not limited to VDOT). Administrative review and approval should be discontinued and replaced with Planning Commission approval, including a requirement to obtain a “recommendation for approval” from VDOT.

Specific to the first recommendation (above), the Planning & Zoning Director also recommends the following application requirements for a “Wayside Stand Permit”:

- Completed Zoning Permit application and \$25 fee (*remains unchanged*)
- Site Plan (showing at minimum the property location and boundaries, proposed location of wayside stand facility(s), proposed signage, and provisions for safe access and parking)
- Brief project narrative describing the following:
 - Proposed frequency of wayside stand operation
 - (# of hours per day? # of days per week?)
 - Proposed duration of wayside stand operation
 - (growing season? year-round? etc.)
 - Type(s) of items proposed for sale and the location(s) of the “agricultural operation(s)” owned or controlled by the operator that is the source(s) of wayside stand items for sale
 - Location and type of wayside stand “structures” / facilities (including distance from property boundary and public ROW)
 - Proposed signage

Please note that I have discussed this type of land use (and application procedure) multiple times with Mr. Jeff Kessler of VDOT during the months of October and November. Mr. Kessler has

indicated that VDOT does require the submission of scaled drawings prepared by a licensed professional for two purposes: (1) to determine if the location of an entrance is permissible, and (2) to determine if the entrance design is correctly engineered. But Mr. Kessler has not confirmed whether or not a scaled Site Plan prepared by a licensed professional is something that VDOT will require in order to review a “wayside stand” permit application and provide review comments; or if a “sketch” site plan is sufficient for VDOT review and comment.

The Planning Commission should carefully consider whether an application for a “wayside stand” permit needs to contain a Minor Site Plan prepared by a licensed professional; or if a sketch site plan provides sufficient information (that enables the County to make an accurate, informed decision regarding the appropriateness and safety of the proposed use).

2. Direct-to-Consumer Sales: Farmers Market

Regarding the second type of direct-to-consumer land use, the Zoning Ordinance does not contemplate or provide for off-site, direct-to-consumer sale of agricultural products that originate from various sources. To remedy this, the Planning Director recommends that the County adopt a definition and provide for a new use of “Farmers Market.” The following definition could be used as a starting point for further review, discussion, and recommendation:

Farmers Market: Any structure, assembly of structures, or land used for the sale of agricultural or horticultural products, and agriculture-related goods and services, that have been produced off-site.

The Planning Director recommends that “Farmers Market” be adopted as a Special Use permissible in the (A-1) Agricultural District and (SE-1) Service Enterprise District, and as a permissible by-right use in the (B-1) and (B-2) Business Districts. (*Note:* permissible uses in B-1 and B-2 are also permissible within the “Multiple Use” Sector of (RPC) Residential Planned Community District.)

The following application requirements are also recommended:

- Completed Special Use Permit application and \$200 fee payment (*for A-1 and SE-1 zoning only*)
- Minor Site Plan (pursuant to §13-1-1) and \$100 fee payment
- Brief project narrative (describing frequency of operation; approximate number and type(s) of vendors; signage; and details regarding vehicular access, parking, and related road safety issues)
- *Note:* A “Farmers Market” may be subject to subsequent requirements for submission/approval of a Major Site Plan, depending on the physical details of any such project (pursuant to §13-1-1)

Please note that this proposed “Farmers Market” definition and use would not allow for “Flea Market,” which is a Special Use permitted in the (B-1) Business District [per §8-1-21]. “Flea Market” is defined as, “Any outdoor commercial offering of items for sale at any location. Merchandise offered may include items purchased specifically for resale at a profit.”

Please also note that this definition and use would not allow for “Antique, craft, or gift shops,” which is a Special Use permitted in the (A-1) Agricultural District [per §4-1-2a]. “Antique, craft, or gift shops” is undefined in the Zoning Ordinance.

Conclusion

The Planning Director recommends that the Planning Commission, by the authority contained in Zoning Ordinance Article 16, Section 1-3, initiate a proposal to amend the Zoning Ordinance to enact the recommended revisions to the existing "Wayside Stand" provision, and to provide for a new "Farmers Market" use as detailed on page 3 of this report, all subject to further review and discussion by the Commission.

Thank you for your attention to these policy recommendations; and please contact me with any questions you may have regarding the information contained in this report.

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission
From: Tim Padalino | Director | Department of Planning & Zoning
Date: November 12, 2014
Subject: Request from the Virginia Center for the Creative Arts

The Department of Planning & Zoning received the following request (attached) on November 5th from Mr. Gregory Allgire Smith, Executive Director of the Virginia Center for Creative Arts (VCCA).

Mr. Smith's organization is currently located on the campus of Sweet Briar College in Amherst County. However, VCCA is currently exploring the potential for relocation in the near future, and have expressed initial interest in relocating to Nelson County.

To assist Mr. Smith, County staff have conducted a site visit to VCCA (May 16) and have conducted a review of the Zoning Ordinance to determine if the proposed use(s) are permissible, with respect to the land uses listed in Article 4, "Agricultural District (A-1)." County staff concluded that the proposed use is not provided for in the Zoning Ordinance.

Therefore, Mr. Smith's request to the Nelson County Planning Commission involves the opportunity for a Zoning Ordinance amendment that would create a new "Artists Community" land use and definition, as a permissible use in the Agricultural (A-1) District. Specifically, Mr. Smith's request states that he seeks to have a provision added to Article 2 of the Zoning Ordinance for "Artists Community," and also states that the requested use would be subject to the Special Use Permit process.

Please see the attached letter from Mr. Smith (dated 11/4) for more details. Also attached is the original inquiry sent by Mr. Smith (dated 6/10), explaining VCCA's current facilities and operations.

Thank you for your attention to this request; and please contact me with any questions you may have regarding the information contained in this report.



154 SAN ANGELO DRIVE, AMHERST, VA 24521 P. 434-946-7236 VCCA.COM

18, ESPLANADE du PORT, 82340 AUVILLAR, FRANCE

June 10, 2014

Mr. Timothy M. Padalino
Director, Planning & Zoning
Nelson County
P.O. Box 558
Lovingsston, VA 22949

Dear Tim,

Thank you for your patience in awaiting particulars to allow an endeavor like VCCA in Nelson County. I am happy to present information on VCCA as an "Artists Community" for your evaluation.

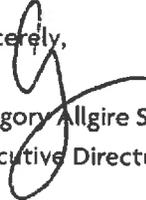
VCCA is a non-profit organization providing temporary lodging and working spaces for 20-30 adult artists selected through a competitive peer-review process. These residencies may last for a few days to two months. These individuals will be professional artists of various creative genres, whether literary, visual, musical, theatrical, cinematic, architectural, cross-disciplinary, or otherwise.

Currently VCCA accommodates 25 artists at a time for an average of 21 days each, or over 400 residencies per year. These artists come from 40 U.S. states and 15 foreign countries. We also send American artists to our location in France and to five artists communities in Germany, Austria, Ireland and Malta.

Individual studio spaces, bedrooms and baths are assigned to every artist in residence. These spaces may be either grouped together within two structures of 20,000 sq. ft. maximum each or spread among numerous smaller structures. Square footage for the Artists Community should not exceed 40,000. One structure may include rooms for food storage, preparation of meals, dining, and meetings of those residents. Also allowed are offices, meeting spaces, storage/maintenance, and a residential space for use by employees and volunteers working on behalf of VCCA. We provide the artists with three meals a day, seven days a week.

Please let me know if you require additional information by which to evaluate the applicability of VCCA to relocate to Nelson County. You may also wish to visit our website: www.vcca.com.

Sincerely,


Gregory Allgire Smith
Executive Director

SECURING A CREATIVE SPACE

PROPOSAL TO NELSON COUNTY, VIRGINIA

By the VCCA (Virginia Center for the Creative Arts)

To add a provision for "ARTISTS COMMUNITY"

to the Zoning Ordinance, Article 2, subject to the Special Use Permit process.

After thirty-five years located in Amherst County, Virginia, the VCCA is exploring moving from property owned by Sweet Briar College and currently zoned "Agricultural". The VCCA would like to consider relocation to Nelson County based on:

- the beauty of its rural Blue Ridge landscape,
- easy access by road, train and airplane for the artists who come to the VCCA for the space and time to produce their best work,
- remoteness of location which provides inspiration necessary for their creative work, and
- proximity to governing Board members and donors in Charlottesville, Lynchburg and Richmond.

After some consideration of the VCCA being able to apply for a Special Use Permit under the provision for "Intentional Community", County Staff have determined that the Zoning Ordinance does not currently have a provision suitable for the land use of an organization like the VCCA.

Rationale: Several organizations have happily made their home in rural retreat settings within Nelson County:

- Ligmincha Institute/Serentiy Ridge—Tibetan Bon Buddhism
- Synchronicity—Modern Spirituality
- The Monroe Institute—Human Consciousness

They all entail:

- one non-profit organization as property owner,
- clustered facilities surrounded by woods and fields,
- facilities for temporary residencies for adults drawn from around the US and the world, and
- overall an endeavor whose mission supports the public good.

These communities have thrived in County and have also become assets enhancing the reputation of the County. The concept of the VCCA in Nelson County is similar, although focused on artistic creative output and interaction.

Specifics: The VCCA is a not-for-profit organization founded in 1971 whose mission is to provide residencies to leading artists in literature (fiction, non-fiction, poetry, memories), visual arts (all media), and music composition (ranging from Country & Western to opera) from around the US and the world. The VCCA is governed by a Board of Directors composed of volunteers based across Virginia and beyond and managed by an Executive Director and professional staff including Resident Artists who live on-site for 24/7 support. Currently, it provides each artist with a working studio, a bedroom and bathroom plus three meals a day. 25 artists called "Fellows" are in residence for periods of two to eight weeks, averaging 21 days each. In any year approximately 400 artists come to the VCCA. (The VCCA also owns and operates a smaller facility in Auvillar, France, a picturesque village in Southwest France.)

VCCA Fellows have been awarded Pulitzer Prizes, MacArthur Fellowships, National Book Awards, Guggenheim Fellowships, NEA Fellowships, Rome Prizes, Grammy Awards, CMA Awards, and Obies. Among them are songwriter/performer Kathy Mattea, Wicked's author Gregory Maguire, composer David Del Tredici, novelist Alice McDermott, and the late artist Cy Twombly.

The VCCA's annual budget of about \$1 million is supported by grants from the Virginia Commission for the Arts, the National Endowment for the Arts, numerous foundations and corporations, hundreds of individuals, as well as the artists themselves.

The Nelson County Comprehensive Plan: The VCCA has a 35-year track record at its current location of supporting principles included in the current Plan:

--Economic Development:

Goal—agricultural economy: purchase of locally grown foodstuffs for the Fellows' meals, protection of farmland from development.

--Natural, Scenic, and Historic Resources:

Goal—protect natural resources: protection of 12 leased acres and 410 surrounding acres.

Goal—preserve and protect historic character: conversion of 1930s dairy barn into artists' studios.

Further, the VCCA Fellows become ambassadors for the County when they return home extolling the natural beauty, history, and culture of Central Virginia's Blue Ridge and Piedmont regions. More formally, occasional publications, such as the Fortieth Anniversary book Entering the Real World: VCCA Poets on Mt. San Angelo, 2011, celebrate the VCCA's leased site and beyond—the Town of Amherst, Amherst County, cows and horses, old barns, the local dam, deer and cicadas, and more.

The VCCA understands that, should Nelson County agree in principal to consider adding a provision for "Artists Communities" in its Zoning Ordinance, specifications would potentially need to be worked out for:

- minimum acreage for such use, such as 20 acres,
- maximum number of persons in residence at any time, 25-30,
- maximum square footage of facilities, 35,000-40,000sq.ft.,
- number of events providing public exposure to support tourism,
- and the like

in keeping with other sections of the Ordinance. We look forward to working with County Staff, Planning Commission, and Board of Supervisors to that end.

Submitted by Gregory Allgire Smith, Executive Director, VCCA

Email: gsmith@VCCA.com

Telephone: 434-946,7236 (o); 434-944-0210 ©

November 5, 2014