



# ***Nelson County Planning Commission Meeting Minutes September 28<sup>th</sup>, 2022***



**Present:** Commissioners Mike Harman, Chuck Amante, Phil Proulx, Jesse Rutherford and Robin Hauschner

**Staff Present:** Dylan Bishop, Director and Emily Hjulstrom, Planner/Secretary

**Call to Order:** Ms. Proulx called the meeting to order at 7:00 PM in the General District Courtroom, County Courthouse, Lovingston.

## **Public Hearings**

**Special Use Permit #716 – Multifamily Dwelling**

*Ms. Bishop presented the following information:*

## Nelson County Planning Commission

**To:** Planning Commission  
**From:** Dylan M. Bishop, Director of Planning & Zoning *DMB*  
**Date:** September 28, 2022  
**Re:** SUP #716 – “The DeLander at Nelson” Multifamily Dwellings – 9485 Rockfish Valley Hwy

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**BACKGROUND:** This is a request for a special use permit for a multifamily dwelling use on property zoned A-1 Agriculture.

*Public Hearings Scheduled:* P/C – September 28; Board – October 11 (tentative)

*Location / Election District:* 9485 Rockfish Valley Hwy / North District

*Tax Map Number(s) / Total Acreage:* 6-A-131 & 163D / 8.13 & 2.81 respectively, +/- total

*Applicant (Contract Purchaser) Contact Information:* Charles Meade & Quakeela Teasley, 4804 Craigs Mill Court, Glen Allen, VA 23060, 804-916-9545 / 804-564-4138, cmeade2261@gmail.com / quateasley3@yahoo.com

*Owner Contact Information:* Rockfish Valley Events LLC (Todd Rath), 161 Wood House Lane, Nellysford, VA 22958, 434-996-7133, toad.rath@bluetoadhardcider.com

*Comments:* This property currently contains several structures, some of which are nonconforming to current setback requirements. The applicants and contract purchasers are proposing to remove these structures and construct two multifamily buildings approximately 5,000 square feet in size each, each with six one-bedroom apartments for use as an “active senior living community” for those 55+ years of age. This is a total of 12 dwelling units, and would require resubmittal of a Major Site Plan to the Planning Commission. The below section from the Zoning Ordinance addresses multifamily dwellings in the A-1 Agriculture District:

**4-10  
Multifamily dwellings.**

*The Board of Supervisors may authorize the issuance of a Special Use Permit for multifamily housing units of up to six (6) units and not more than two (2) stories, provided that the gross density is not greater than one (1) unit per acre for the first four (4) units and one-half (½) acre for units thereafter up to six (6) units. Multifamily dwellings shall be located seventy-five (75) feet or more from any street or highway right-of-way which is fifty (50) feet or greater in width or one hundred (100) feet or more from the centerline of any street less than fifty (50) feet in width. The minimum frontage shall be two hundred fifty (250) feet along a road built to county or state standards.*

*In addition to the guidelines and standards concerning compatibility with existing uses in the neighborhood of the proposed multifamily housing units as outlined in Section 12-3-6 of this ordinance, the Board of Supervisors may require:*

- (1) Evidence from a qualified soil scientist that the soils at the proposed site are suitable for septic fields.*
- (2) Evidence that adequate supplies of drinking water are available.*
- (3) An opinion from the Virginia Department of Highways that the traffic generated will not occasion the need for road improvements.*
- (4) A detailed site plan showing landscaping and screening.*

The existing parcels would be required to be reconfigured as shown on the submitted site plan to comply with density requirements.

The applicants met with neighbors in the area to discuss the proposed project on September 21<sup>st</sup>, and it was determined that the applicants would remove all current existing structures on the property. This is noted due to the engineered sewer design showing a potential future retail space in one of these existing structures. Any future proposed retail use would require a separate SUP request and is not included as part of this application.

The applicants have provided a narrative and business plan for reference.

#### **DISCUSSION:**

*Land Use / Floodplain:* This area is residential and agricultural in nature. Zoning in the vicinity is A-1. This property is located on the west side of Route 151, directly across from Silverback Distillery. There are no floodplains located on the property.

*Access / Traffic / Parking:* Ramey Kemp Associates has submitted a Turn Lane Warrant Analysis and Trip Generation Information for the proposed use. According to the report, no additional roadway improvements are required. Additional comments from VDOT will be provided from the meeting.

*Utilities:* Aqua Nova Engineering has submitted a Preliminary Design Summary for two conventional onsite sewer systems, attached with this report. Although the report indicates the systems are designed for the two apartment buildings and a retail space, the retail space is not part of this application and the structure shown will be demolished, as noted above. The applicant submitted information to the Office of Drinking Water, who indicated that permitting for a public waterworks well from the Office of Drinking Water is not required.

*Erosion & Sediment Control / Stormwater:* When total land disturbance of a development exceeds 10,000 square feet, an Erosion and Sediment Control Plan is required to be approved by the Building Inspections Office. When total land disturbance of a development exceeds one acre, a Stormwater Management Plan is required to be approved by DEQ.

*Comprehensive Plan:* This property is located in an area designated Rural and Farming in the Comprehensive Plan, which "would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would conflict with agricultural uses. The Rural and Farming District would permit small scale industrial and service uses that complement agriculture."

*Comprehensive Plan, continued:* The property is located between two Rural Residential Districts which would allow low density residential and compatible nonresidential uses in rural areas where agriculture is not the predominant use. Clustering of residents further protects rural areas... These areas are not expected to be served by water or sewer and therefore must be developed at a density consistent with groundwater availability and the lot sizes need to accommodate septic systems.”

*Conditions:* Should Planning Commission recommend approval of SUP #716 for multifamily dwellings at tax map numbers 6-A-131 & 163D, staff would recommend the following conditions:

1. Dwelling units shall only be rented to those individuals 55+ years of age.
2. The maximum number of units shall not exceed 12 units, and each of the two buildings shall not exceed 5,000 square feet each.
3. All existing structures on the property shall be removed prior to the start of construction.
4. The existing boundary lines shall be reconfigured to comply with density requirements in Section 4-10, prior to the issuance of a building permit.
5. A landscape buffer along Route 151 is required, as shown on the site plan dated September 14, 2022.
6. A wooden fence 6' in height shall be installed along all property boundaries.

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.

Attachments:

Application

Narrative

Business Plan

Site & Concept Plans

Preliminary Design Summary (Aqua Nova Engineering, PLC)

VDH & ODW Comments (Email)

Initial VDOT Comments (PRE-submittal of engineered analysis)

Turn Lane Warrant Analysis & Trip Generation Information (Ramey Kemp Associates)

Zoning

**Re: SUP Multifamily Apartments 9485 Rockfish Valley Hwy**

Qua Teasley <quateasley3@yahoo.com>

Tue 9/6/2022 5:15 PM

To: Valencia, Taylor <taylor.valencia@vdh.virginia.gov>

Cc: Dylan Bishop <dbishop@nelsoncounty.org>;Eick, Thomas <tom.eick@vdh.virginia.gov>;Emily Hjulstrom <ehjulstrom@nelsoncounty.org>;Cmeade2261 <cmeade2261@gmail.com>

Taylor,

We so appreciate the information, Thank you!

The well is already drilled at 400ft deep, but we do appreciate the public waterworks detail. Who knows what the future holds!

Grateful,  
Qua & CJ

On Tuesday, September 6, 2022 at 03:27:29 PM EDT, Valencia, Taylor <taylor.valencia@vdh.virginia.gov> wrote:

Hi Qua,

Based on the population, the facilities will not meet the threshold to be a public waterworks system and will not require regulation by our office. But if a few years from now, you all expanded to have 25+ residents or a combination of administrators plus residents that equaled 25, it then would. If that happens, our office should be notified. Is the groundwater well(s) that will serve both buildings already existing? Or are you drilling a new well? I only ask because if you are drilling a new well for the business, and if the long term plan is to expand with additional units, and the business could potentially be a public waterworks in the future, it would not hurt to consider drilling the well to "public" standards. Public wells have more stringent construction characteristics than private wells. If there's a chance the business would be a public system in the future requiring regulation by our office, having a well that meets public standards makes that transition much smoother. I just wanted to throw this thought out there! If you'd like more information on this just let me know.

Whether or not the water is used for irrigation, consumption, dishwashing, or other uses would not change the system's classification as a public waterworks system with our office. It all depends on the number of people/connections served and number of days within a calendar year. However, when irrigation, or other uses that could potentially introduce contaminants into a public waterworks system are involved, we require the installation of appropriate backflow prevention devices to ensure contaminants cannot back-siphon into the plumbing and lead to a public health issue.

**Taylor L. Valencia**  
District Engineer  
Virginia Department of Health  
Office of Drinking Water - Lexington, VA  
Phone: (540) 463-0421

9/27/22, 2:37 PM

Mail - Dylan Bishop - Outlook

**RE: Entrance Plan - DeLander Multifamily Dwellings**

Daniel Brown <daniel.brown@vdot.virginia.gov>

Tue 9/27/2022 9:38 AM

To: Dylan Bishop <dbishop@nelsoncounty.org>

Cc: Emily Hjulstrom <ehjulstrom@nelsoncounty.org>

Dylan,

VDOT has no objection to the special use of the site as presented in the concept plan and utilizing a new entrance for the site. We look forward reviewing the full site plan when submitted for approval prior to issuing an entrance permit.

Thank you,

**Daniel J. Brown, P.E.**

Assistant Resident Engineer/Area Land Use Engineer

Appomattox Residency - Lynchburg District

Virginia Department of Transportation

O: 434-352-6675

C: 434-215-9162

[Daniel.Brown@VDOT.Virginia.gov](mailto:Daniel.Brown@VDOT.Virginia.gov)

9/27/22, 2:37 PM

Mail - Dylan Bishop - Outlook

**RE: DeLander Multifamily Dwellings**

Daniel Brown <daniel.brown@vdot.virginia.gov>

Tue 9/27/2022 10:17 AM

To: Dylan Bishop <dbishop@nelsoncounty.org>

Their traffic information they provided, doesn't indicate they will need one, left or right. So basically a standard commercial entrance will be what we are looking for. As for the rest of the site plan, unless they have plans to discharge water onto the right of way, the entrance will be all we will be concerned with getting right.

Thank you,

**Daniel J. Brown, P.E.**

Assistant Resident Engineer/Area Land Use Engineer

Appomattox Residency - Lynchburg District

Virginia Department of Transportation

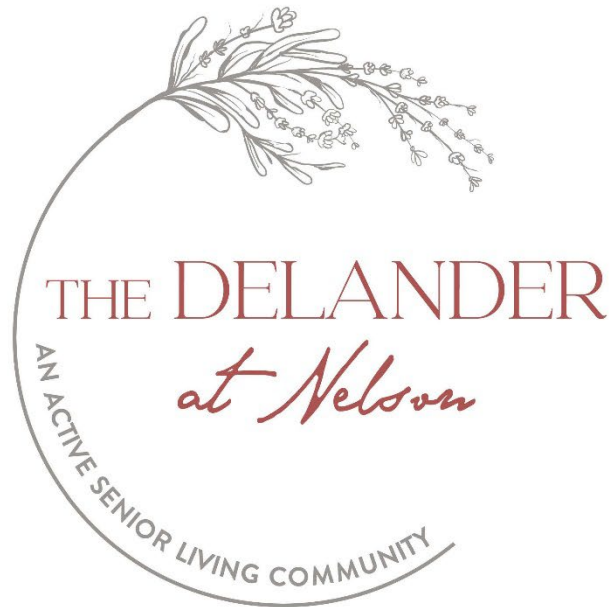
O: 434-352-6675

C: 434-215-9162

[Daniel.Brown@VDOT.Virginia.gov](mailto:Daniel.Brown@VDOT.Virginia.gov)

Quakeela Teasley and CJ Meade are the applicants for the project. Ms. Teasley explained that she grew up in the area but now lives in Richmond with Mr. Meade. She explained that they both work with the elderly and would like to build an active senior living community.

They presented the following information:



## Meet CJ and Qua

- Parents
- Sports Fans
- Dedicated
- Henrico and Nelson County Natives

## Our Intent:

To build an **active senior living community** for aging individuals that will:

- \* provide low maintenance housing
- \* provide safe comfortable living
- \* offer socialization and activity
- \* assist in decreasing the demand for senior housing

### Mission Statement

The DeLander is committed to provide safe, healthy, comfortable, and low maintenance housing to the golden aged (55+) population, while maintaining company principles and a strong sense of community.

### Vision Statement

The DeLander will make every resident feel at home in our charmed boutique-country community.



# Who is Welcome

55+ year old of any:

- race
- sex
- gender
- nationality
- or religious background



# Admission Requirements

- Application
- Financial and personal background checks
- Proof of ability to pay
- References
- Physical Exam from Primary Care Physician
- Use of [mysmartmove.com](https://mysmartmove.com), an online program that assists with screening a tenant

## Property Vision

- \* Modern Country Structure
- \* With accents of wood, stone and metal
- \* Outdoor courtyard
- \* Paved driveway and parking



## Financing

- Mixture of personal funds and
- Small Business Loan



Mr. Harman asked if there would be someone on site or nearby. Mr. Meade noted that he and Qua will be full time employees for the first 5 years. He explained that he then plans on retiring and being able to spend more time on the property. Ms. Teasley added that they will be there to assist them as needed. Mr. Harman asked about children or dependents. Mr. Meade explained that everyone would need to be 55+. Mr. Hauschner asked if there were options for people that couldn't meet the \$3000 rent. Mr. Meade explained that they would need to charge that much to cover the expenses. Ms. Teasley explained that they want their residents to be able to be self-paid and wouldn't be available for financial

assistance. Mr. Hauschner asked about the existing structures. Mr. Meade explained that there are two old houses, a store, and a garage. He added that they are all nonfunctional and are going to be removed.

Mr. Amante asked if they would have their own space in the home. Ms. Teasley explained that they want it to look like a home but they will have an office there but don't plan to live there. She added that they would like to have a work out room and an area for residents to socialize.

Mr. Amante asked why someone would live here if they could buy a house for the same amount. Ms. Teasley explained that there are similar facilities within the city that are charging a lot more. She noted that they may have to adjust pricing but that she believes there are people that would be looking for this as an option.

Ms. Proulx asked if they were ok with the conditions that were presented by staff. Mr. Meade explained that they will be building the fence on all sides of the property. They added that they do not have any issues with the conditions. Ms. Proulx asked if they would be dark night sky compliant. Mr. Meade explained that all parking lot lighting would be downward. Ms. Bishop added that the ordinance requires that all lighting be directional and shielded. Ms. Proulx asked what would happen when residents lose their ability to live that independently. Mr. Meade noted that they would make sure that there is someone acting as power of attorney or likewise for the individual and they would have to help step them up to a location with more assistance.

Mr. Hauschner asked if the intent was to advertise to Nelson County residents. Mr. Meade noted that they are opening it up to anyone that would like to live there. He added that they met with the community last week and that it was a pleasure to meet with them and clarify questions. Mr. Harman asked about the lease. Mr. Meade explained that it would be a year to year lease.

*Ms. Proulx opened the public hearing at 7:29 PM.*

Tracy McGatha lives at 43 Rockfish Orchard Drive. She explained that she and her mother had expressed their concerns that they have a large pond but no barrier. They explained that they would like an 8-foot fence for safety and added that a country style fence is not a barrier.

Jeri Lloyd lives at 9322 Rockfish Valley Hwy. She explained that she is directly across the street from the proposed project. She explained that she is concerned about having a fence that is only 4 feet high and that she has a creek on her property. She noted that the building appears to be two stories in the concept plan and is worried about it not being one floor. She added that it was nice to meet them the other day with her neighbors but that she disagrees with her neighbors and would not like to see anything there. She explained that she would prefer this project to an alcohol related project. She pleaded with the PC and BOS to stop Special Use Permits.

Phillip DeJong lives at 305 Falling Springs Drive. He explained that he is to the west of the proposed project. He explained that the neighborhood meeting was productive and that he feels neutral about the project. He commended Mr. Meade and Ms. Teasley for their experience and preparation to accomplish this project. He added that he would like the fencing and dark night sky to be addressed appropriately. He added that the topography of the surrounding area could be especially dangerous for seniors and a liability to the adjacent property owners.

Sarah Aldridge lives at 5 Altamont Lane in Faber. She expressed her concern about the residents driving on already dangerous roads when the residents might have aging related issues that impair their driving. She asked who would be on site to respond to emergencies at night. She explained that she works in internal medicine and that a primary care physician would not be able to make someone move to a location with more care. She shared a story of an older woman that lived alone that she was trying to reach over the past few days. It was discovered that she passed alone in her home and had been for some time. She added that she would like to know who would be there to help in case of emergency. Ms. Aldridge explained that as we age we need more and more direct care and she is not hearing that these individuals would be safe.

*Ms. Proulx closed the public hearing at 7:40 PM.*

Mr. Hauschner asked what their policy would be when an individual is incapable of self-care that refuses to leave the facility. Mr. Meade explained that a doctor would be evaluating the health of the patient and that the patient's family/POA would make the decision. Ms. Teasley explained that they do not have a specific policy yet but that they would be able to notice decline and would not allow a resident to stay if it was unsafe. Mr. Meade explained that if there is an emergency at night there will be a sprinkler system in case of fire and that they would only be a 30-minute drive away. Mr. Hauschner asked if post-surgical care would be contracted out to third parties for the individuals. Mr. Meade confirmed that having ongoing care would be up to the patient.

Mr. Rutherford explained that they have examples of assisted living facilities in the county like the Ryan Apartments in Shipman. He explained that the county has lost a lot of its services for the elderly and that locals are losing the ability to keep their older family members close by. He added that the \$3000 is a sticker shock but that he has relatives go to facilities that cost more. Mr. Rutherford noted that at least 40% of his own rental properties are people over 55. He noted that he had a tenant that lived alone and had no family and that he happened to hear one of his tenants screaming with a maintenance crew one day. He added that they were able to get her the help she needed and that she went on to go into an assisted living facility. He noted that the county needs a lot more than just these 12 units. He added that he thinks there should be a 6' fence.

**Mr. Harman made a motion to recommend approval of SUP #716 for a Multifamily dwelling with the following conditions:**

1. Dwelling units shall only be rented to those individuals 55+ years of age.
2. The maximum number of units shall not exceed 12 units, and each of the two buildings shall not exceed 5,000 square feet each.
3. All existing structures on the property shall be removed prior to the start of construction.
4. The existing boundary lines shall be reconfigured to comply with density requirements in Section 4-10, prior to the issuance of a building permit.
5. A landscape buffer along Route 151 is required, as shown on the site plan dated September 14, 2022.
6. A fence 6' in height lined with evergreen vegetation shall be installed along all property boundaries.
7. All lighting shall be directional and glare shielded to prevent light pollution onto adjoining properties, roadways, and the dark night sky.

**Mr. Amante seconded the motion.**

**Yes:**

Charles Amante

Mike Harman

Phil Proulx

Jesse Rutherford

**No:**

Robin Hauschner

Ms. Bishop noted that Oct 2, will be the Comprehensive Plan Results Forum (weather pending). She added that Oct 24<sup>th</sup> will be the first joint work session with the BOS regarding the Comprehensive Plan.

**Board of Supervisors Report:**

Mr. Rutherford noted that the BOS will be very busy the last week of October. He noted that he just met with the Regional Housing Partnership and that he has data to send everyone. He asked them what a 1 bed 1 bath rents for in Charlottesville. He explained that the minimum is \$750 and that minimum wage doesn't cover it. This means that all the people that work there can't afford to live there and will find cheaper housing in Nelson County. He noted that they did a study in 2019 that showed that there were a shortage of 3000 homes in the surrounding area and that it is likely 4-5000 now. He explained that the next meeting has been moved to March and the theme is "Coming Back Home".

Ms. Bishop noted that VDOT has kicked off their Route 151 Corridor study and that the estimated completion date is Summer of 2023.

**Mr. Rutherford made a motion to adjourn the meeting at 8:01 PM. Mr. Amante seconded the motion.**

**Yes:**

Jesse Rutherford

Charles Amante

Mike Harman

Phil Proulx

Robin Hauschner

**The meeting adjourned at 8:15 PM**

Respectfully submitted,

A handwritten signature in black ink that reads "Emily Hjulstrom". The signature is written in a cursive style with a long horizontal flourish at the end.

Emily Hjulstrom

Planner/Secretary, Planning & Zoning