



NELSON COUNTY PLANNING COMMISSION

Meeting Agenda

July 26th, 2023

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

- **7:00 – Meeting Convenes / Call to Order**
- **Review of Meeting Minutes:**
 - **May 16th, 2023 – Planning Commission – Cluster Housing**
 - **May 17th, 2023 – Joint Work Session**
 - **May 24th, 2023 – Planning Commission**
- **Public Hearings**
 1. **Special Use Permit #986 – Outdoor Entertainment Venue**
- **Other Business**
- **Board of Supervisors Report**
- **Next Regularly Scheduled Meeting: August 23rd, 2023**

NOTICE: In alignment with current COVID-19 guidelines, and to guard the health and safety of all meeting attendees, physical distancing and the wearing of face masks will be required for unvaccinated individuals in the courtroom. If you do not have a mask, one will be provided for you. Should current guidance change prior to the date of the meeting, the guidelines in place at the time will be adhered to.

If you are not able to attend the meeting due to COVID-19 precautions or restrictions, comments may be submitted (1) electronically, or (2) in writing, and will be accepted until 12:00 pm on July 26th, 2023.

- (1) Electronically: ehjulstrom@nelsoncounty.org or dbishop@nelsoncounty.org
- (2) In Writing: Dept. of Planning & Zoning, P.O. Box 558, Lovingston, VA 22949



Nelson County Planning Commission

Meeting Minutes

May 16th, 2023



Present: Chair Mary Kathryn Allen and Commissioners Mike Harman, Phil Proulx, Chuck Amante, Robin Hauschner, and Ernie Reed

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

Call to Order: Chair Allen called the meeting to order at 6:00 PM in the Old Board of Supervisors Meeting, County Courthouse, Lovingston.

Ms. Bishop explained that in November of 2022 the Board of Supervisors referred review of the Cluster Housing Ordinance to the Planning Commission. She explained that she is looking to see if the Planning Commission wants to make any changes to the existing Cluster Housing Ordinance. She presented the following information:

Ms. Bishop defined cluster as a development approach that concentrates housing into a portion of available land, typically closer to transportation networks, while preserving a portion of the land for open space uses such as conservation, recreation, or agriculture.

Mr. Hauschner asked how the density in A-1 (Agriculture) could be one dwelling per 6.8 acres while still leaving 40% of the land open. Ms. Bishop explained that it was 40% of the total land area.

Mr. Harman noted that it depends on whether water and sewer are available for the proposed developments. Ms. Proulx noted the application that initiated the review should not affect how they change the ordinance. Ms. Allen asked if it would be a Special Use Permit. Ms. Bishop noted that cluster housing is currently by right in A-1 and R-1 (Residential).

Ms. Proulx noted that they could add the condition that you can have a certain density only if water and sewer are available. Mr. Harman noted that most of the land in the county is zoned A-1 and they would have to rezone. Ms. Bishop noted that cluster housing is currently by right in A-1. Mr. Amante noted that if the parcel is zoned R-2 (Residential) it could accommodate two-family and multifamily dwellings. He added that we don't have the infrastructure to support a development like this in Lovingston.

Ms. Bishop noted that in the Comprehensive Plan update they are inventorying the infrastructure and making strategies for development areas. She explained that in the American Planning Association plan making section they include "integrating cluster development as part of Comprehensive Plans to serve as policy bases for requirements; determining community needs that might align with cluster developments, including environmentally sensitive areas and increased housing needs; determining community growth areas that can accommodate cluster development; encouraging developments that preserve contiguous open space; determine infrastructure and services such as utilities, schools, fire protection that may be needed to support cluster development; identify conservation goals to preserve community character"

Ms. Proulx noted that she thinks conservation subdivisions are a good idea. She noted that one of the references used mentions that 40-60% of buildable land must be preserved. She explained that this means they couldn't use unbuildable land for open space. She explained that 40% open space should be a minimum. She added that they need to figure out what density they ultimately want and if it should be by right. She noted that she is ok with it being by right as long as they have stipulations for water and sewer requirements and density. She added that the current A-1 cluster regulations are a little low in regard to density. She added that a concern of hers is how the open space is managed. Mr. Harman noted that someone would have to pay taxes and insurance on the open space. He explained that an option was to create an HOA but that he didn't think anyone would want to be in one. Ms. Allen noted that someone in need of affordable housing is not likely to be able to pay HOA fees. Ms. Proulx noted that it didn't need to be an HOA with high fees. Mr. Amante added that some of the references noted that the open space needed to be suitable for recreation or something like agriculture. He added that the owner could lease it out for recreation and they could charge for admission or a maintenance fee.

Ms. Allen noted that it made her nervous to update the cluster ordinance when the county's infrastructure currently can't support it. Mr. Harman noted that if the lots were big enough they could do individual well and septic. Ms. Proulx added that there is the option for a shared well and septic. Ms. Bishop added that they could have their own central water system. Mr. Harman added that an intentional community requires 60% open space in the ordinance.

Ms. Bishop noted that they might want to consider location requirements for the open space to provide screening of the development. Mr. Amante asked how detailed their recommendation needed to be regarding bylaws. Ms. Bishop noted that the county can set requirements for maintenance agreements, approved uses, covenants and restrictions, the usability of the space, easements, liability, ownership, percentage of affordable housing, etc. Ms. Proulx noted that a maintenance agreement can be the solution if the original property owner didn't want to retain it.

Mr. Reed noted that you could require a conservation easement for the open space. Mr. Amante noted that the regulations of the conservation easement could then take precedence over county requirements. Mr. Reed noted that there are examples of conservation easements that were not defended by the holder. Ms. Proulx noted that when you set up the easement you can add agreements that it can be used for various recreation or community gardens.

Mr. Hauschner noted that they could ease setback and density requirements if agreements are made for the open space being a usable common space. Mr. Hauschner questioned if having 40% of just open space would benefit anyone. Ms. Proulx explained that it could reduce the amount of roads and infrastructure in the development. Mr. Amante noted that the 40% of open space should be reserved for agriculture, forestry, recreation, and/or open space. Mr. Reed explained that having some level of flexibility is critical due to developments being site-specific. Ms. Allen noted that she would feel better about it being reviewed by the Planning Commission as opposed to being administratively approved.

Mr. Harman noted that a lot of what they currently have in the ordinance works. He explained that if they add something new it needs to be consistent with current regulations. Mr. Harman added that the owner wouldn't be able to make any money off of the open space. Mr. Amante noted that they could make some money by using it for agriculture.

Ms. Allen explained that a lot of cluster developments are done with townhome-style housing. Mr. Amante noted that a lot of cluster developments have huge homes and that they can be anything. He explained that one reference described it as a golf course development without the golf course. Mr. Hauschner added that if there is no protection after the units are sold then they could clear-cut the land and put a farm in. Mr. Amante explained that the development would need to remain consistent with what was approved. Mr. Hauschner added that the ownership might change hands and the new owners might not be aware of the limitations on the land. Ms. Allen explained that that scenario can happen currently due to people not doing their homework when they buy a property.

Mr. Hauschner noted that they could add something to increase the protections of the buyers so that they are aware of any limitations when they buy the land. Mr. Amante noted that it would need to be something general and that they shouldn't set too many limits on what the county can approve. He added that he would like to remove that the Planning Director take on the implementation and approval without a public hearing. Mr. Harman noted that one reason they did that was to not add the extra level of reviews that contractors would shy away from having to do. Ms. Allen noted that a lot of people don't want the extra oversight because it infringes on how much money they are able to keep. Mr. Harman thought that the public would demand to have a public hearing for this type of development.

Ms. Bishop added that they could have a threshold for what is considered by right versus by special use permit. She noted that they could have separate regulations for R-2 with increased density. She added that if the Service Authority doesn't have capacity the developer could be required to put in central water and sewer. She explained that having the increased density in R-2 would require the developer to rezone the property to R-2 which would involve public hearings. She added that they could increase the density in A-1. She explained that the current density follows the allowable lots chart for regular A-1 subdivisions. Ms. Proulx noted that as it currently stands it has provided no real benefit to developers. Ms. Bishop noted that they could consider what type of housing is permitted.

Ms. Proulx questioned what the current cluster ordinance referenced in the Code of Virginia. Ms. Bishop noted that she would look into what specific code it references.

Mr. Harman noted that R-2 requires public water and sewer. He explained that although it is not part of the cluster ordinance it could cover this situation. Ms. Bishop explained that current R-2 zoning with public water and sewer permits 10,000 sq ft for a single-family dwelling, 12,000 sq ft for two units, 15,000 sq ft for three units, and 1500 additional sq ft for every unit above three. Ms. Proulx questioned if the proposed development would be able to exist in R-2 zoning. Ms. Bishop noted that she believes that they wouldn't be able to do it because of the lot size. Mr. Harman asked why they couldn't change the lot size.

Ms. Proulx asked if dry hydrants were just for fire protection. Ms. Allen noted that they tend to be only for that purpose. Mr. Harman noted that the ordinance requires that you have public water and sewer but does not say how you have to get it. Ms. Proulx asked if they wanted 80 units coming into Lovingston. Ms. Bishop added that they need to consider the aesthetic as well. Ms. Allen noted that even 30-40 units would be a lot.

It was noted that there are 16 townhomes on the other side of the IGA in Nellysford. Ms. Allen noted that the median age on the northern end of the county is 60-65 where south of Lovingston is 30-45.

Mr. Amante questioned where in the county you could put that kind of density. He added that they need to have denser housing somewhere. Ms. Allen noted that it is possible but that it would change how the county looks. Ms. Bishop noted that the Comprehensive Plan update would answer a lot of questions such as capacity and locations for development areas. Ms. Allen noted that what's important is what the community wants.

Ms. Bishop noted that the Service Authority would reach capacity if this type of development was built. This would put a moratorium on building and connections in the service area and require that a plan of action be made before they allow more growth. She added that the Service Authority is considering working on a master plan and that this could change. Ms. Allen questioned why they don't already have a master plan. Mr. Reed explained that he has been on the Service Authority Board for 6 years and that they are 99% reactive. He added that they don't have the incentive or finances to be proactive and that it would take action from the county for them to do so. Ms. Allen noted that it is hard to plan when you don't have more money coming in. Mr. Reed explained that they are in the beginning stages of looking at Dillard Creek and the Lovingson station but that it is going to take time. Ms. Allen asked if any money from the Service Authority goes to the County. Mr. Reed noted that most of it is debt service. Mr. Reed noted that money goes directly to the Service Authority and is used to pay off these debts. He explained that there is currently a proposal to raise rates by 10-15%. He added that this would make it possible to borrow enough money for the Lovingson upgrade. Mr. Harman asked what improvements would need to be made to Lovingson. Mr. Reed noted that it would be redoing the 30-50-year-old lines. Mr. Harman asked if there was a shortage of water. Mr. Reed explained that the water comes from Black Creek and that it needs to be dredged to increase capacity.

Mr. Amante asked if there was the potential to build a reservoir. Mr. Reed noted that there was a proposal 20 years ago to build one off of River Rd but currently around Dillard Creek is being discussed. Mr. Harman noted that the growth areas are going to be Lovingson, Shipman, and Nellysford. He questioned how they could support that growth. Ms. Proulx explained that the goal is to plan for growth and avoid sprawl. Mr. Amante questioned whether they should support growth to welcome more families to the County. Ms. Allen noted that if they are raising prices at the Service Authority to be able to afford what they need. She explained that this means that someone living in poverty in Gladstone is going to be paying more to supplement growth on Stoney Creek. Mr. Reed noted that Stoney Creek uses Aqua Virginia. He explained that the proposed new rates from the Service Authority are less than a penny from the proposed rates from Aqua Virginia. He explained that if they raise rates there will be equivalent rates across Nelson County.

Ms. Allen explained that it is a flat fee for the first 4000 gallons of water and you are charged a flat rate for additional water. Ms. Allen explained that even if you are not using water you still need to pay the base fee. Mr. Reed explained that they require this because it's the base by which the Service Authority is able to apply for loans. Ms. Proulx asked what regions were covered by the Service Authority. It was noted that Shipman, Schuyler, Piney River, Lovingson, Wintergreen, and Gladstone are served by the Service Authority. Mr. Reed added that a new development could use a private water entity. Ms. Bishop noted that the Service Authority has a requirement that if you build within 300 ft of their lines you are required to connect.

Ms. Allen didn't understand why the Service Authority couldn't be present at joint work session meetings for the Comprehensive Plan. Ms. Bishop explained that the joint work sessions are for the

Planning Commission and Board of Supervisors to work together. She added that there have been work groups and stakeholder meetings. She explained that she thought it best for the Planning Commission to discuss the cluster ordinance first and then decide if they want to bring in the Service Authority. She added that they have had a meeting with the Berkley Group and George Miller of the Service Authority to go over capacity and existing infrastructure. Ms. Allen explained that she was ok with them not being at the cluster ordinance meeting but wanted them to be there for the joint work session.

Review of current ordinance:

Mr. Amante noted that the lot requirements are ambiguous and questioned why two acres weren't required per lot. Ms. Bishop explained that this is a separate ordinance and not subject to the subdivision ordinance. He noted that two acres should be the minimum due to well and septic requirements. Ms. Bishop explained that with cluster style there is the potential for well and septic to be shared. Ms. Proulx added that they would need the space for well, septic, and drainfield and that this could be located in a shared space. Mr. Amante asked if the developer would be required to put in a community system. Ms. Bishop noted that this proposal is within 300 ft of the Service Authority so they will be required to connect and would be unable to have their own central water system.

Ms. Proulx noted that "required lot area" should read "minimum lot area" and that "required setbacks" should read "required minimum setbacks". Mr. Amante asked if they need to require 70' of road frontage. Mr. Harman noted that they shouldn't require that for a cluster development. Mr. Hauschner noted that they could include qualifiers to make the development more attractive. Mr. Amante noted that the community would have a single entrance and reduce a lot of required infrastructure and maintenance.

Ms. Bishop noted that they can make minor revisions to the current cluster ordinance or completely overhaul it. Ms. Proulx asked if the Zoning Ordinance would be redone when the Comprehensive Plan is complete. Ms. Bishop noted that the consultant group will be giving recommendations for zoning and subdivision ordinances after the Comprehensive Plan is adopted. Ms. Proulx noted that they could make minor revisions now and rewrite the ordinance after the Comprehensive Plan update. Ms. Allen recommended that they make minor decisions now and do an overhaul when they have more information from the Comprehensive Plan update.

Mr. Amante asked if there was a time pressure on the review of the ordinance. Ms. Bishop explained that a developer came to the Board of Supervisors to ask them to review the ordinance. Ms. Proulx asked if it made sense to make any changes right now. Ms. Allen noted that the only thing she would currently want to change is requiring a public hearing process. Ms. Bishop noted that the developer would be able to put housing on the property if they rezone the rest of the property to R-2. She added that they would still run into difficulties with the Service Authority.

Mr. Harman asked if the Service Authority could waive the 300' requirement until they complete their upgrades. Mr. Amante asked where the water came from that feeds the water tower. Mr. Reed noted that it is from Black Creek and that Black Creek is operating at less than half capacity due to sediment that needs to be dredged. He explained that this would give breathing room to the Service Authority but wouldn't increase capacity for development purposes.

The consensus was to wait to take action until there is more information from the Comprehensive Plan update.

Mr. Reed noted the county would need to drive any major changes in the Service Authority. Mr. Amante asked how Aqua Virginia supplied water. Mr. Reed explained that they used wells. He added that the Service Authority is much more reliable than Aqua Virginia. He noted that they could look into having the Service Authority in the Nellysford area.

Mr. Reed asked if the Beltie's Restaurant knew what they were using for water. Ms. Bishop explained that they would be using a combination of Aqua Virginia for sewer and well water. Mr. Reed noted that this was the first connection on that side of Route 151.

Mr. Hauschner asked if they had the authority to ask the Service Authority to waive the 300' requirement. Ms. Bishop noted that if anyone had the power it would be the Board of Supervisors but that she didn't think it was possible. Mr. Reed noted that the Service Authority needs to be told by the county to increase capacity. He added that the county could request them to waive the 300' requirement but that they would likely deny it.

Ms. Proulx made a motion at 7:38 PM to continue the meeting to May 17th at 6:30 PM in the Old Board of Supervisors Meeting Room. Mr. Amante seconded the motion.

Yes:

Michael Harman

Phil Proulx

Chuck Amante

Robin Hauschner

Ernie Reed

Mary Kathryn Allen

Respectfully submitted,



Emily Hjulstrom

Planner/Secretary, Planning & Zoning



Nelson County Joint Planning Commission/Board of Supervisors
Meeting Minutes
May 17th, 2023



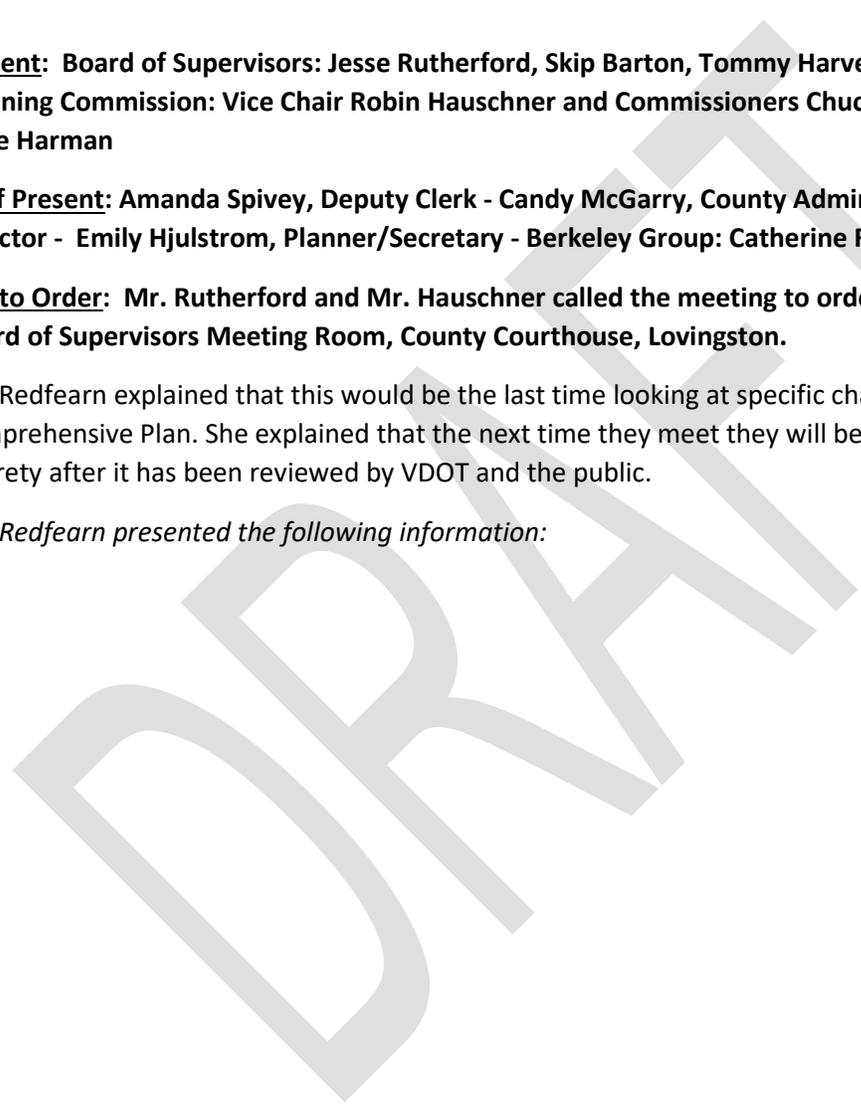
Present: Board of Supervisors: Jesse Rutherford, Skip Barton, Tommy Harvey, and Ernie Reed -
Planning Commission: Vice Chair Robin Hauschner and Commissioners Chuck Amante, Phil Proulx and
Mike Harman

Staff Present: Amanda Spivey, Deputy Clerk - Candy McGarry, County Administrator - Dylan Bishop,
Director - Emily Hjulstrom, Planner/Secretary - Berkeley Group: Catherine Redfearn and Chris Musso

Call to Order: Mr. Rutherford and Mr. Hauschner called the meeting to order at 6:30 PM in the Old
Board of Supervisors Meeting Room, County Courthouse, Lovingston.

Ms. Redfearn explained that this would be the last time looking at specific chapters of the
Comprehensive Plan. She explained that the next time they meet they will be looking at the plan in its
entirety after it has been reviewed by VDOT and the public.

Ms. Redfearn presented the following information:



NELSON COUNTY, VA

Comprehensive Plan Update



Joint Worksession #4 | May 16, 2023



Meeting Objectives

1. Schedule & Progress Update
2. Chapter 5 Outstanding Comments
3. Chapter 3: Shaping Character & Development(Content Review)
4. Chapter 4: Connecting People & Places(Content Review)
5. Next Steps



Schedule & Progress Update

Project Schedule



Meetings & Events

4 Joint Worksessions

October – Chapter 1 & 2

January – Natural & Cultural Resources;
Community Facilities

March – Housing; Economy

May – Transportation; Land Use

County-Led Focus Groups

(December, February, April)

Final Review Worksession

(Summer 2023)

Review by VDOT (Summer 2023)

Public Open House (Summer 2023)

Joint Public Hearing & Adoption (Fall 2023)

She added that the results of the focus group in April are incorporated into the draft. She added that after this joint work session they will be incorporating additional comments into the final chapters and then compiling them into the plan.

Mr. Rutherford asked about timing for recommendations for zoning and subdivision ordinances. Ms. Redfean noted that it would be about a month or two after the Comprehensive Plan is adopted. Mr. Reed asked when they will see a draft of the implementation matrix. Mr. Musso noted that they already have them except for chapters 3 and 4 which they will be reviewing at this meeting.

Ms. Redfean presented the following:



Chapter 5 and 7 Policy Comments

- Ch.5 New Strategy:
 - “Pursue the creation of low-cost or sliding scale cost home maintenance services.”
- Ch.5, Strategy 2 clarification: “Consider allowing accessory dwelling units by right through zoning changes that can allow affordable rental options that benefit renters and homeowners.”
 - Policy for accessory dwelling units as rental options in the County; short-term and long-term?

Ms. Redfearn noted that there are two small outstanding issues from Chapter 5 - Housing.

New strategy:

Ms. Redfearn noted that they had a recommendation to add, “Pursue the creation of low-cost or sliding scale cost home maintenance services” as a strategy in Chapter 5. Mr. Hauschner questioned what

home maintenance services entail. Ms. Redfearn explained that this was in the context of home rehabilitation. Mr. Rutherford noted that it would likely be for the typical mechanicals of the home such as HVAC, plumbing, and electrical. Mr. Rutherford added that older housing stock is abundant so many (approximately 60% of housing inventory) would qualify for this. He explained that this might be too broad for a strategy. Ms. Redfearn recalled that at their last session, the group wanted spot blight and property maintenance strategies removed. Consensus was to not include this strategy in the plan.

Strategy 2 clarification:

Ms. Redfearn asked if this strategy should also apply to short-term rentals, long-term rentals, or both. Mr. Rutherford noted that accessory dwelling units (ADUs) are more often seen in urban and more populated areas. He added that they have a long-term rental aspect to them for the aging community and their use as mother-in-law suites, starter homes, etc. Ms. Proulx noted that they should restrict short-term rentals from ADUs. Ms. Redfearn confirmed that they are in agreement that ADUs should be for occupied or long-term rentals only.

Mr. Hauschner noted that current issues with short-term rentals are not just new structures being built but existing structures being taken away from a long-term market. He added that in order to cap the number of short-term rentals they should not allow short-term rentals for ADUs. Mr. Barton noted that they want to allow ADUs but do not want to encourage their short-term rental. Mr. Rutherford noted that allowing ADUs as short-term rentals could allow for existing housing stock to return to the long-term rental market. Mr. Hauschner noted that he does not see new construction as the issue. Ms. Bishop clarified that ADUs were not an addition on to an existing dwelling but a separate structure that would be accessory to the main dwelling. Mr. Hauschner asked if it would be an ADU if it was attached but with no internal access. Ms. Proulx noted that vacation homes being by right is an issue due to them not always being desirable.

Mr. Rutherford predicted that they would not see a lot of ADUs. He added that people with enough land were more likely to construct a separate dwelling that is not accessory. He added that they could allow ADUs if the main dwelling is a permanent residence. Ms. Proulx noted that she would be ok with that.

Ms. McGarry questioned whether they could remove “that can allow affordable rental options that benefit renters and homeowners.” from the strategy. Ms. Redfearn explained that what they’ve been discussing so far is a zoning issue but that in the context of the Comprehensive Plan they need to be more specific about what kind of rental this would be for.

Mr. Rutherford noted that they don’t want to limit the ability to build additional long-term rentals. He added that if you don’t have a permanent residence there and you build an ADU then it must be a long-term rental.

Mr. Harman recommended removing “by right” from strategy 2 to allow for more flexibility. Ms. Bishop recommended leaving “by right” but adding “with appropriate parameters” or similar. Mr. Rutherford noted that he was fine with the sentence as is as long as it contains “consider.” Mr. Rutherford noted that if they leave the word “consider” he is fine with the strategy as is. Mr. Reed added that if they want to remove “by right” then they should remove the strategy entirely. The consensus was to remove “by right” from strategy 2.

Chapter 3 - Shaping Character and Development

Ms. Redfearn presented the following:



Chapter 3 Shaping Character & Development

Chapter Goal

Nelson County will preserve and enhance its rural character and natural resources by creating opportunities for strategic growth to create a stronger, more vibrant, and prosperous community.

Ms. Redfearn explained that this is the land use chapter and is quite possibly the most important chapter in the plan.

Ms. McGarry recommended changing the wording of the goal to “strong, vibrant, and prosperous community.” Ms. Redfearn noted that they would make this change.

Ms. Redfearn explained that the land use and transportation chapters are unique from others due to having an existing conditions section as well as additional sections (future land use framework and transportation). She added that the focus areas for the land use chapter are to create a coordinated framework for growth and to protect the rural character and environment.

Ms. Redfearn presented the following:

Focus Areas

- 1. Create a Coordinated Framework for Growth**
 - a) Existing Land Use Tools & Development Patterns
 - b) Development Constraints
 - c) Land Use & Infrastructure
 - d) Regional Planning & Coordination
- 2. Protect Rural Character & the Environment**
 - a) Rural Character
 - b) Sustainable Design & Development

Mr. Amante noted that in the existing Comprehensive Plan there is a map of prime agricultural land. He asked if there was one included in the current plan. Mr. Musso noted that it is in the natural and cultural resources chapter.

Table 3.2 Development Assets & Constraints.



Table 3.2 Development Assets & Constraints

| Place Name | Lovington | Nellysford | Colleen | Piney River | Gladstone | Schuyler | Shipman | Faber | Afton | Massies Mill | Montebello | Roseland | Arrington | Wingina | Tyro | Rockfish |
|---|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Development Assets | | | | | | | | | | | | | | | | |
| Water Service | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | |
| Sewer Service | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | |
| Potential for UDA Designation | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | |
| Primary Transportation Corridor Proximity | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| Community Center and/or School | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| Fire / EMS Facility | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | |
| Recreation Amenities and/or access | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Existing Residential Development | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Existing Commercial Development | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| Existing Industrial or Business Development | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | |
| Development Constraints (See Diagram 3.1)* | | | | | | | | | | | | | | | | |
| Steep Slopes | <input type="checkbox"/> | | | | | | | | <input type="checkbox"/> | <input type="checkbox"/> | | | | | <input type="checkbox"/> | |
| Floodplain | | <input type="checkbox"/> | | | | | | <input type="checkbox"/> | | <input type="checkbox"/> | | <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> |
| Limited or Untested Septic Suitability | <input type="checkbox"/> | | | <input type="checkbox"/> | | | <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | <input type="checkbox"/> | |
| Protected Landscapes | | | | | | <input type="checkbox"/> | | | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> | <input type="checkbox"/> |

Route 29, Corridor of Statewide Significance Asset in close proximity

Ms. Redfearn explained that this chart is looking at development assets that either catalyze development or encourage development as well as areas that they want to protect or have constraints to development. She added that the county has no incorporated towns but that there are places with unique identities. She asked if the areas shown (Lovingston, Nellysford, Colleen, Piney River, Gladstone, Schuyler, Shipman, Faber, Afton, Massie's Mill, Montebello, Roseland, Arrington, Wingina, Tyro, and Rockfish) do in fact have unique identities that they should consider in the future land use conversations. Mr. Rutherford stated that Schuyler deserves to be bumped up on the list because historically there have been businesses and industries and there is capacity for development with water and sewer, as well as proximity to a transportation network. Mr. Barton added that the same could be said for Gladstone. Mr. Rutherford pointed out that Schuyler's proximity to Routes 6 and 29 provides more opportunity for growth.

Ms. Proulx questioned if Afton's location on the map was representative of all of Afton and stated that it isn't inclusive of the school or community center. Ms. Redfearn stated that what they are asking is, what is the future potential of these areas and what do we want to happen in these areas? Mr. Barton asked what recreation is available in these areas. Ms. Redfearn pointed out the Blue Ridge Tunnel in Afton. Ms. Proulx pointed out the community center. Mr. Barton asked specifically about Faber, and Ms. Redfearn explained that there is a trail system. Mr. Musso added that you'd have a hard time finding an area in the county without recreation.

Mr. Hauschner noted that Colleen is the only one on the chart that doesn't have substantial residential development listed, he questioned whether they should include a goal to direct residential development to Colleen. Mr. Barton explained that it's almost impossible to be able to identify these areas. Ms. Redfearn explained that if this chart is not useful to the Comprehensive Plan they don't have to include it. She added that they do want to explore the Future Land Use map and the associated charts. Mr. Reed noted that they are trying to fit areas into boxes and that each place is unique and needs its own paragraph.

Ms. Redfearn presented the following:



Conservation & Rural Areas

| Conservation Areas & Natural Corridors | |
|---|--|
| Description | <i>Natural Corridors and Conservation Areas</i> are areas with significant environmental sensitivity and/or those areas that are currently protected from development through permanent conservation or recreation use. They are established to minimize detrimental impacts to the environment, maximize groundwater recharge capacity, and protect key natural resources. Examples include steep slopes, flood inundation zones, sensitive environmental corridors, and federal and state lands. |
| Core Concept | Protect natural areas to maximize environmental services, economic potential, and recreation opportunities for the community. |
| Primary Future Land Use Types | <ul style="list-style-type: none"> • Conservation • Parks, recreation, and trails • Low-impact agriculture and other resource-based uses |
| Planning Guidelines | Supporting Strategies (See Implementation Matrix) |
| <ul style="list-style-type: none"> • Incorporate cluster and/or conservation development principles in areas within or adjacent to this planning area to protect open space, productive land, views, and sensitive resources. • Improve and mitigate negative environmental impacts with conservation design, alternative wastewater systems, and low impact development for filtration or runoff protection. | <i>EDITOR'S NOTE: To be completed at end of drafting.</i> |

She explained that their intent is to have an associated description for each area and that they will need to have a conversation in order to draft those paragraphs.

Mr. Barton noted that they should move Arrington from Rural Destination to Rural Village due to its similarity to Shipman. Mr. Reed stated that you can't group these areas together in this way and that each needs its own description to show their true character. Ms. Redfearn explained that the intention is to have individual descriptions but clarified that Mr. Reed is saying this overarching framework does not work. Mr. Amante referenced that there is a paragraph to describe each land use category and that they need some type of grouping for the areas. Mr. Musso stated that they should try to think less about how they are grouped together now and more about what they want for these areas in the future.

Mr. Hauschner noted that he liked the chart and noted that they should have some sort of protected landscape in Shipman and Wingina. He asked about septic suitability for residential development in Colleen. Mr. Musso stated that Colleen is shown as having more availability for septic. Mr. Rutherford asked how many square miles of floodplain there are in the county. He explained that floodplain is a major inhibitor.

Ms. Redfearn presented the following for land use recommendations:



Create a Coordinated Framework for Growth

Existing Land Use Tools & Development Patterns

Existing Development Patterns

As a rural community, most of the land in Nelson County is being used for rural purposes such as agriculture, recreation, and preservation of open space. Development in the County is primarily concentrated along the Route 29 corridor and the northern portion of the County in and around Nellysford. Historically developed areas, such as Shipman and Schuyler, continue today as rural villages with clusters of denser housing. Existing development patterns form the backbone of the Future Land Use Framework and Development Assets are catalogued in Table 3.2.

Current Land Use Tools & Zoning Regulations

Nelson County's Zoning Ordinance and Map regulate new development in the County. Zoning controls the types of uses permitted on the land, the density of development, and requirements for minimum lot sizes, lot widths, and building setbacks, among other criteria.

The Zoning Ordinance includes districts designated for conservation, agricultural, residential, commercial, and industrial uses. Nelson County has nine primary zoning districts. The A-1 Agricultural District is the predominant zoning district, covering over X% of the county.

It is important to note that the zoning map and future land use map are not always the same. Future land use designations and maps in this Plan have no immediate effect on an individual parcel of land but are used to guide future zoning changes. Future zoning changes should conform with established future land use designations and maps. That said, the two maps must work in tandem. The Zoning Ordinance and Map should be reviewed to ensure compliance with the goals the Nelson 2042 Comprehensive Plan.

Table 3.1 Zoning Districts

| Nelson County Zoning Districts | | | |
|--------------------------------|--|------|-----------------------------|
| C-1 | Conservation District | B-1 | Business District |
| A-1 | Agricultural District | B-2 | Business District |
| R-1 | Residential District | SE-1 | Service Enterprise District |
| R-2 | Residential District | M-2 | Industrial District |
| RPC | Residential Planned Community District | | |

Mr. Hauschner noted that there is an opportunity for alternative building styles for environmental protection in areas classified in the plan as unbuildable conservation areas. Mr. Rutherford noted that

building on steep slopes is costly and that building code would be a limiting factor. He added that they need to establish what the gradient of steep slopes should be. Ms. Redfearn noted that it is typically 15-25%. She added that they can still identify them as conservation areas but include alternative building methods in the planning guidelines. Mr. Rutherford noted that most of Wintergreen is a steep slope. Ms. Redfearn asked if Wintergreen is beholden to the Zoning Ordinance. Ms. Proulx explained that they have their own zone within the Zoning Ordinance.

Mr. Musso asked if floodplain areas should be further restricted. Mr. Rutherford noted that there are a lot of places where people shouldn't build as well as areas that are in the floodplain but have never flooded. Mr. Barton noted that the county experienced a serious flood in 1969 and there is still visible evidence from it. Mr. Rutherford noted that there is a mechanism for owners to show that their property is not in the floodplain and have the FEMA maps amended. Mr. Reed explained that they adopted a fairly strong floodplain ordinance so that landowners can get insurance. Ms. Bishop noted that the Farm Bureau Board is concerned about flooding, they are interested in increased setbacks from river banks and accountability for damage downstream from flood events. Mr. Rutherford noted that floodplain areas are great agricultural opportunities. Ms. Redfearn asked if they want to add a strategy for additional flood restrictions. Mr. Rutherford explained that the floodplain ordinance is already strict. The consensus was not to add a strategy.

Ms. Redfearn presented the land use framework:



HOW WE MOVE FORWARD

Nelson County is committed to a strategic framework for growth that prioritizes rural conservation and community character. The following Future Land Use Framework and strategies provide guidance for fostering sustainable development, economic growth, and enhanced quality of life in the County.

The guiding principles behind the Land Use Framework are to:

- Protect the County's rural character and sensitive natural and cultural resources.
- Provide a network of Corridors, Centers, and Villages to direct future investment and harness the economic potential of regional recreation, tourism, and industrial enterprises.
- Strategically accommodate growth around community centers and planned service extension areas to ensure efficient and sustainable development and the provision of a range of housing options.
- Encourage quality development and design that enhances quality of life and enjoyment for residents and visitors to the County.

Future Land Use Framework

Development Assets & Constraints

The *Future Land Use Framework* establishes the backbone for Nelson County's physical growth and development. It provides direction and guidance on ideal development, conservation, and land use locations and compatibility. This section describes the recommended development patterns for the County over the next twenty years. The framework is derived from a coordinated analysis of the land use implications of each of the Plan Elements included in this plan. The following chart (Table 3.2) summarizes the assets or constraints to development in each of the Future Land Use Elements identified in the Future Land Use Plan. The location of each Future Land Use Element on the Future Land Use Map (See Map 3.1) is informed by environmental features, existing development patterns, existing and planned community services, and transportation networks. This analysis is supported by the data, information, and policies included in each of the following Plan Chapters.

She explained that the intent is not that these are the only types of land uses that can exist in these areas but that they are the primary land uses.

DRAFT

Conservation & Rural Areas



Conservation & Rural Areas

| Conservation Areas & Natural Corridors | |
|---|--|
| Description | <i>Natural Corridors and Conservation Areas</i> are areas with significant environmental sensitivity and/or those areas that are currently protected from development through permanent conservation or recreation use. They are established to minimize detrimental impacts to the environment, maximize groundwater recharge capacity, and protect key natural resources. Examples include steep slopes, flood inundation zones, sensitive environmental corridors, and federal and state lands. |
| Core Concept | Protect natural areas to maximize environmental services, economic potential, and recreation opportunities for the community. |
| Primary Future Land Use Types | <ul style="list-style-type: none"> • Conservation • Parks, recreation, and trails • Low-impact agriculture and other resource-based uses |
| Planning Guidelines | Supporting Strategies (See Implementation Matrix) |
| <ul style="list-style-type: none"> • Incorporate cluster and/or conservation development principles in areas within or adjacent to this planning area to protect open space, productive land, views, and sensitive resources. • Improve and mitigate negative environmental impacts with conservation design, alternative wastewater systems, and low impact development for filtration or runoff protection. | <i>EDITOR'S NOTE: To be completed at end of drafting.</i> |



Nelson County Comprehensive Plan Update

Draft Chapter 6: Protecting Natural & Cultural Resources

| | |
|--|--|
| Rural Areas | |
| Description | The aspect of Nelson County valued most by the people who live and visit here is its rural character. <i>Rural Areas</i> comprise the majority of the County, aiming to protect rural character by maintaining natural areas and agricultural uses while allowing low density residential development that fits into the landscape. <i>Rural Areas</i> typify the historic and natural landscape of Nelson County that includes prime agricultural areas, forested mountains, and rural homesteads. The area also currently includes some low-density single-family subdivisions. Alterations and retrofits to these developments to enhance resiliency and conform to current health, environmental, zoning and subdivision standards is appropriate and encouraged; however, expanded, or new subdivisions is not the primary intent of this planning area. Any new residential development must be carefully planned for, taking into account slope, soil, and septic suitability, viewshed protection, resource impact, and other factors. |
| Core Concept | Ensure the protection of the County's rural landscape and economy by maintaining open space, scenic views and agricultural uses with compatible low density residential. |
| Primary Future Land Use Types | <ul style="list-style-type: none"> • Farms, agriculture, forestry. • Agritourism uses • Institutional uses • Solar installations (contingent on-site conditions) • Single-family detached residential • Single-family attached residential • Manufactured homes • Accessory dwelling units • Parks, recreation, and trails |
| Planning Guidelines | Supporting Strategies (See Implementation Matrix) |
| <ul style="list-style-type: none"> • Incorporate cluster and/or conservation development principles in areas within or adjacent to this planning area to protect open space, productive land, views, and sensitive resources. • Setback, screen, or locate development located along primary routes to minimize impact to views from these corridors. • Improve and mitigate negative environmental impacts with conservation design, alternative wastewater systems, and low impact development for filtration or runoff protection. • Buffer residences from more intense farming, forestry, or extraction-based uses. • Discourage development of prime agricultural soils. • Solar development should be sited to have minimal impact to scenic viewsheds and natural resources. | <i>EDITOR'S NOTE: To be completed at end of drafting.</i> |

Ms. Proulx asked what “low-impact agriculture” is. Ms. Redfearn explained that these would be agricultural uses that don’t require a large amount of tilling or high-impact to the landscape. Mr. Rutherford noted that they don’t have many farmers that till on a major scale anymore. He asked if livestock counts as low impact. Ms. Redfearn noted that it depends on the scale. Ms. Redfearn explained that they may not have high-impact agriculture now but the question is whether or not they want it in the future. Mr. Reed questioned if they should change the term to “small scale”? Mr. Rutherford noted that the term “low-impact” is appropriate. Ms. Redfearn explained that the conservation areas and natural corridors are not the prime agricultural areas. She added that a glossary will be included for terminology.

Mr. Rutherford noted that the state will be discussing solar and likely limiting local oversight. He asked how much more they will be discussing solar installations. Mr. Musso noted that it has been touched on in the Natural and Cultural Resources Chapter. Ms. Redfearn recalled that due to topography there really isn’t much capability for industrial scale. Mr. Barton asked what industrial scale is defined as. Mr. Musso noted that it would be anything over 5 MW/10 acres. Mr. Harman stated that the priority for solar should be on rooftops and not prime agricultural land. Mr. Barton added that there is a lot of interest in solar farms being placed within tree farms. Ms. Proulx noted that she read that solar projects can be placed on closed landfills. Mr. Rutherford noted that in the case of an industrial-scale farm it would need to be a Special Use Permit. Mr. Hauschner noted that he wants to tie in clean energy and

distribution with solar and EV stations next to development areas. Mr. Harman asked if a solar farm was a by right use. Ms. Bishop explained that solar farms under an acre are by right and over an acre is a Special Use Permit. Mr. Rutherford added that IRC code is soon to require 30 amps be installed in garages for EV charging. Ms. Redfearn noted that in chapter 6 there is a section on energy efficiency and renewable energy as well as a strategy to strengthen performance standards for ground-mounted solar energy systems. She added that there are complimentary strategies in chapter 3. Ms. McGarry asked what institutional uses were and Ms. Redfearn clarified that they are uses like community centers and schools.

Rural Destinations



Community Centers

| Rural Destinations | | | | | | | | | |
|--------------------------------------|--|-----------|--------------|------------|---|---------|------|----------|--|
| Area Name | Afton | Arrington | Massies Mill | Montebello | Roseland | Wingina | Tyro | Rockfish | |
| Description | Nelson County's <i>Rural Destinations</i> are places with distinct character and identity within the County's rural landscape. These places have specific place names and carry historic and cultural significance for the community but did not develop into larger villages. Today, these places are home to many of the cultural assets and recreation amenities that identify Nelson County. Because of the development constraints that limited and continue to limit development in these areas, focused development is not encouraged. Rather, investment should prioritize improving and expanding access to community centers and recreation assets that serve as the backbone for these Rural Destinations and help bolster economic growth throughout the County. | | | | | | | | |
| Core Concept | Maintain the existing character of and enhance amenities within the County's Rural Destinations to create places with a distinct identity that draw recreation and economic investment and improve quality of life for residents. | | | | | | | | |
| Primary Future Land Use Types | <ul style="list-style-type: none"> Single-family detached residential Single-family attached residential Accessory dwelling units Neighborhood commercial (Cafes, shops) | | | | <ul style="list-style-type: none"> Agritourism businesses Institutional uses Parks, recreation, and trails | | | | |
| Planning Guidelines | <ul style="list-style-type: none"> Ensure materials, scale, and character of new buildings is compatible with existing structures in each Village. Enhance and protect cultural resources. Connect existing and establish new trails, bicycle routes, and other recreation amenities in and around Rural Destinations. Encourage shared open space or park space. Encourage infill development and retrofitting of existing buildings. Incorporate pedestrian connections and safety enhancements, such as stop bars and crosswalks. Encourage traffic calming, particularly along primary routes. Incorporate wayfinding and signage for Rural Destinations. | | | | Supporting Strategies (See Implementation Matrix) | | | | |
| | | | | | <i>EDITOR'S NOTE: To be completed at end of drafting.</i> | | | | |

Ms. Redfearn explained that this is the first land use category where specific areas are identified and will each have their own description. Mr. Reed noted that "Community Centers" is confusing, and that it could be changed to "Community Areas." Ms. McGarry stated that Arrington could go into Rural Villages. Ms. Proulx stated that the planning guidelines do not make sense for all of these areas such as pedestrian connections. Mr. Rutherford recommended adding the language "as applicable." Mr. Hauschner asked if they should add grocers to the list of land use types. Mr. Rutherford referenced in article about rural areas and the effect of Dollar General. He explained that the Dollar General in Piney

River had a huge impact. Ms. Redfearn noted that they could add “markets” to the list under “neighborhood commercial (cafes, shops).” Ms. Bishop noted that the Zoning Ordinance refers to them as neighborhood retail stores. Mr. Barton explained that there has been a major loss of food stores in the past 30 years. He asked why Wingina was included and not Norwood. Ms. Redfearn noted that they could add it to the plan if they wanted it included. Mr. Rutherford noted that the population density in Norwood is likely less than in Wingina. Ms. McGarry added that they could include Wingina and Norwood together. Mr. Barton noted that the James River is an asset. Mr. Hauschner noted that it is a shared asset with other localities.

Rural Villages



| Rural Villages | | | | | |
|---|---|----------|---|-------------|-------|
| Area Name | Gladstone | Schuyler | Shipman | Piney River | Faber |
| Description | Nelson County's <i>Rural Villages</i> are reminders of the County's rail and rural heritage. These communities grew up along rail lines and near rural commercial enterprises and traditionally functioned and continue to function as community focal points and gathering places. These areas contain a higher concentration of development than in other rural areas of the County and are served by water and/or sewer infrastructure. In addition to a clustering of homes, villages often contain a post office, church, general store, or similar facility that serves residents of the immediate rural area. While they did not develop into larger towns, they have specific place names and carry historic and cultural significance for the community. Future investment and development of these communities should take cues from the historic qualities of the villages, ensuring a continued sense of place that provides economic vitality. | | | | |
| Core Concept | Focus investment and small-scale development within the County's Rural Villages to protect the rural landscape, ensure more efficient and effective provision of community services, create a sense of place to bolster economic development, and improve quality of life. | | | | |
| Primary Future Land Use Types | <ul style="list-style-type: none"> • Single-family detached residential • Single-family attached residential • Accessory dwelling units • Duplexes, triplexes, fourplexes • Neighborhood commercial (Cafes, shops) | | <ul style="list-style-type: none"> • Agritourism businesses • Small-scale business and employment uses • Parks, recreation, and trails | | |
| Planning Guidelines | | | Supporting Strategies (See Implementation Matrix) | | |
| <ul style="list-style-type: none"> • Preserve existing structures and traditional patterns of development while allowing for a mix of uses in a more compact village setting. • Ensure materials, scale, and character of new buildings is compatible with existing structures in each village. • Enhance design and development standards to ensure compatibility with traditional Village development patterns. • Enhance and protect cultural resources. • Foster the development of a variety of housing types, including affordable housing. • Orient new buildings toward the street. • Encourage infill development and retrofitting of existing buildings. • Incorporate pedestrian connections and safety enhancements, such as stop bars and crosswalks. • Encourage traffic calming, particularly along primary routes. • Incorporate wayfinding and signage for the Villages. | | | <p><i>EDITOR'S NOTE: To be completed at end of drafting.</i></p> | | |



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- | | |
|--|--|
| <ul style="list-style-type: none">• Incorporate streetscape, planting, and amenities that contribute to the Village environment.• Locate parking to the side and rear of buildings.• Screen commercial parking and service areas from off-site views with low walls and hedges.• Encourage shared open space or park space.• Connect existing and establish new trails, bicycle routes, and other recreation amenities in and around Villages. | |
|--|--|

Ms. Redfearn noted that all except Faber and Arrington have water and sewer capacity. She added that they will be adding Arrington to this list.

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Central Villages



| Central Villages | | |
|-------------------------------|---|---|
| Area Name | Lovingsston | Nellysford |
| Description | Nelson County's <i>Central Villages</i> are the County's largest communities and contain a wide mix of uses - residences, businesses, community services, and institutions. These areas contain the highest concentration of development in County and are served by water and/or sewer infrastructure. Future investment and development of these communities should focus on expanding uses and services to both serve the community and grow the County tax base. Development should create a sense of place by taking cues from the scale and character of the villages, focusing on increased connectivity and alternative modes of transportation, and encouraging a mix of use types. | |
| Core Concept | Focus investment and regional scale development within the County's Central Villages to protect the rural landscape, ensure more efficient and effective provision of community services, create a sense of place to bolster economic development, and improve quality of life. | |
| Primary Future Land Use Types | <ul style="list-style-type: none"> Single-family detached residential Single-family attached residential Accessory dwelling units Duplexes, triplexes, fourplexes Apartments Live-work units Hotels & Lodging | <ul style="list-style-type: none"> Agritourism Businesses Commercial (Retail, shopping, dining) Professional & Offices Business & Employment Institutional uses Parks, recreation, and trails |
| Planning Guidelines | <ul style="list-style-type: none"> Preserve existing structures and traditional patterns of development while allowing for a mix of uses in a more compact village setting. Ensure materials, scale, and character of new buildings is compatible with existing structures in each village. Enhance design and development standards to ensure compatibility with traditional Village development patterns. Enhance and protect cultural resources. Foster the development of a variety of housing types, including affordable housing. Orient new buildings toward the street. Encourage infill development and retrofitting of existing buildings. Incorporate pedestrian connections and safety enhancements, such as stop bars and crosswalks. Encourage traffic calming, particularly along primary routes. Incorporate branding, wayfinding and signage for the Villages. | Supporting Strategies (See Implementation Matrix) <i>EDITOR'S NOTE: To be completed at end of drafting.</i> |



| | |
|--|--|
| <ul style="list-style-type: none"> Incorporate streetscape, planting, and amenities that contribute to the Village environment. Locate parking to the side and rear of buildings. Setback, screen, or locate higher intensity development located along primary routes to minimize impact to views from these corridors. Screen commercial parking and service areas from off-site views with low walls and hedges. Encourage shared open space or park space. Connect existing and establish new trails, bicycle routes, and other recreation amenities in and around Villages. | |
|--|--|

Ms. Redfearn explained that Lovingsston and Nellysford are where they are discussing regional scale development. She explained that a lot of the uses are similar to other areas but are expanded to include apartments, lodging, higher-scale commercial, and live-work units. She added that these are areas where they are focusing on connectivity. Ms. Proulx asked for clarification on live-work units. Ms.

Redfearn clarified that this is mixed-use where someone can live in one portion of the unit and work in the other.

Mr. Barton noted that people in Nellysford think they are overdeveloped and that they should concentrate on Lovington. Mr. Reed noted that for Nellysford it depends on what type of development it is. Mr. Rutherford stated this category is reflective of Lovington and what they want for it. Mr. Reed noted that these should not be grouped together and each is unique with different priorities. He added that the plan should say they are served by "limited water and/or sewer infrastructure." Mr. Musso asked if they agree that it should be in this category without considering the limited water and sewer. He agreed that maybe they should not be grouped together. Mr. Rutherford noted that he doesn't consider Nellysford to be a "village." Ms. Redfearn noted that they could separate them and change how they are described. She asked if they want to encourage more development in Nellysford or more infill and connection. Ms. Proulx explained that it being on Route 151 leads her to think that there shouldn't be encouragement of more commercial development. Ms. Proulx added that they should include the GAP-TA grant for the Nellysford Growth Management Plan. Ms. Bishop noted that she is considering this as a strategy in the Small Area Plan section.

Ms. McGarry questioned whether the language should say these uses are "appropriate" for the areas vs. "encouraging." Ms. Redfearn asked if additional descriptions of Nellysford and Lovington would suffice or if they need to separate them. The consensus was that they want to promote growth more in Lovington and discourage it more in Nellysford. Mr. Hauschner noted that connectivity is important to the development of the area. He explained that no one is currently walking around Nellysford. Mr. Reed noted that the county's goals are different for each area and this chart makes it seem that they are the same goals. He added that it would be helpful to separate them. Mr. Rutherford noted that they should be on different pages with an emphasis on their limitations. He added that the emphasis should be on Lovington.

Mr. Hauschner added the planning guideline includes connection and safety enhancements (crosswalks and stop bars). He does not think that they want to put a crosswalk on Route 29 but that a pedestrian bridge could be considered. Mr. Reed noted that they can reference a small area plan to address this for both Lovington and Nellysford in the Comprehensive Plan.

Mr. Rutherford noted that in Gladstone, Shipman, Lovington, and parts of Afton there are many nonconforming structures due to setbacks. He added that being nonconforming makes it difficult to improve upon these structures. He explained an instance where an existing nonconforming dwelling would want to add an additional bedroom, he believes that this is a reasonable expectation that they could potentially encourage. Ms. Bishop noted that a reduction of setbacks could be included in a small area plan. Mr. Rutherford noted that they should have a way for people to ask for an exception. Ms. Bishop explained that when the Board of Supervisors revised the Nonconforming Ordinance they removed the ability to expand a nonconforming structure. She explained that they can change this by updating the Nonconforming Ordinance. Ms. Redfearn encouraged them to look at the planning guidelines included in the new Comprehensive Plan to make sure that it meets their expectations for zoning. Ms. Bishop added that they are talking about development standards that ensure compatibility with traditional development to keep new construction in line with the existing aesthetic.

Service Center



| Service Center | |
|---|--|
| Area Name | Colleen |
| Description | Colleen is an established center for business, industry, and community services including the Colleen Industrial Park and Blue Ridge Medical Center. This is a highly accessible location that provides opportunity for additional business development. Infill and expansion of this established district is encouraged over new industrial or business developments elsewhere in the County that might impact rural character and resources. Expansions, as appropriate, should provide a "park-like" campus setting with landscaping and safe transportation access. Sustainable development practices, including stormwater management, water conservation, and pollution reduction strategies should be a high priority in facility and site design. Current and future development should support employment without contributing pollution or harming the character of the County. Buffering between lower and heavier intensity uses should be considered for safety, noise, and appearance. |
| Core Concept | Promote more cost-efficient land use and increase the County's tax base by focusing quality commercial and business development within defined employment and service centers |
| Primary Future Land Use Types | <ul style="list-style-type: none"> Hotels & Lodging Commercial (Retail, shopping, dining) Agritourism Uses Professional & Offices Business & Employment Heavy Commercial (Bulk Sales, Outdoor Storage, etc) Logistics & Distribution Light industrial uses Institutional uses Parks, recreation, and trails |
| Planning Guidelines | Supporting Strategies (See Implementation Matrix) |
| <ul style="list-style-type: none"> Encourage a high degree of architectural design and environmentally sensitive site design. Ensure that developments reflect coordinated site design, architecture, signage, and lighting. Incorporate high-quality, enduring materials for all buildings, including franchise architecture. Design buildings so that the scale, massing, and character of new buildings are compatible with existing structures and uses. Incorporate sustainable, low impact and energy efficient design in buildings. Parking lots should be well landscaped and provide on-site stormwater management. Encourage infill development and retrofitting of existing buildings. Incorporate coordinated wayfinding and signage. | <i>EDITOR'S NOTE: To be completed at end of drafting.</i> |



| | |
|---|--|
| <ul style="list-style-type: none"> Incorporate setbacks and perimeter buffers between incompatible land uses. Setback, screen, or locate higher intensity development located along Route 29 to minimize impact to views from these corridors. Locate fleet vehicle parking to the rear of the property. Locate parking lots to the side or rear of commercial buildings or screened from view by outparcel development. Screen commercial parking and service areas from off-site views with low walls and hedges. Incorporate landscaping and streetscape planting and amenities that improve the community aesthetic. Provide access-management and inter-parcel connections. | |
|---|--|

Ms. Redfearn explained that the only Service Center identified is Colleen. She explained that it is separate due to the type of development that is happening there now as well as the potential for heavier commercial and industrial uses. She added that they have received comments that show that

they might need to categorize Colleen differently. Mr. Reed asked if they can call the category Multi-use instead of Service Center. He explained that there are appropriate areas within Colleen for more concentrated housing due to it being more easily developable than other areas. He added that Colleen is not necessarily a heavy commercial area but more a destination pass-through. Mr. Rutherford added that Colleen allows for its residents to work in Charlottesville with a similar or better commute than those that live in Shipman. The consensus was to add residential use and update the description.

Gateways & Corridors



Gateways & Corridors

| Area Name | Community Gateways | Regional Corridors | Local Corridors |
|---|--|--|-----------------|
| Description | <p>Gateways and Corridors serve as the “front door” for Nelson County and connect and integrate the different elements of the Future Land Use Framework. Gateways are the key entrance points or intersections in the County. They should create a sense of arrival that portrays the identity of the County. Nelson County’s Regional Corridors include Routes 29, 6, and 151, which connect the County and Villages to the region. The County’s Local Corridors are those frequently traveled routes that connect Villages and Centers. The County prides itself on the rural scenery enjoyed along all of these corridors. These routes connect the community regionally and locally and should reflect the rural character of the community.</p> <p>These designations overlay and include other Land Use Elements and are meant to supplement those land use designations. These designations should generally apply to any parcel adjacent to or highly visible from the corridors and gateways.</p> | | |
| Core Concept | <p>Development along and within Gateways and Corridors should protect the rural landscape and incorporate features and quality design that enhance community character and quality of life.</p> | | |
| Planning & Development Guidelines | | Supporting Strategies (See Implementation Matrix) | |
| <ul style="list-style-type: none"> Incorporate signage controls, special wayfinding, public art, landscaping standards, quality lighting, undergrounding utilities (where feasible) in Community Gateways to elevate community appearance and create a sense of arrival. Discourage the removal of existing mature trees in Community Gateways and Regional Corridors along the front of sites, and parking should be screened from off-site views using plants of different types and heights. Prioritize Regional Corridors for viewshed protection through increased setbacks, cluster development, and conservation development principles. Include traffic calming, safety, and maintenance improvements in Regional and Local Corridors – particularly near Villages and Centers. | | <p><i>EDITOR’S NOTE: To be completed at end of drafting.</i></p> | |

Mr. Rutherford noted that they should include Route 60. Ms. Redfearn noted that it is included on the map but it is missing from the description and will be added. Mr. Barton noted that he would like to see the sides of the bridge lowered between Amherst and Nelson County so that you can see the river. Mr. Hauschner questioned their ability to change that. He added that Route 56 in Montebello is a corridor. Ms. Redfearn noted that it is included on the map but it is missing from the description and will be added.



Goal Statement

Nelson County will preserve and enhance its rural character and natural resources by creating opportunities for strategic growth to create a stronger, more vibrant, and prosperous community.

Strategies

Protect Rural Character & the Environment

1. Review and update alternative energy standards to ensure the adopted standards protect rural character and the interests of the community.
2. Consider the use of alternative energy on private development through special programs, such as the Code of Virginia permitted solar tax exemption for residential and commercial small-scale solar installations.
3. Reduce or exempt permit fees for residential solar installations.
4. Encourage the use of energy-efficient lighting and investigate outdoor light standards to reduce the impacts of over-lighting, glare, and light pollution.
5. Explore changes to zoning and development provisions to reduce parking requirements and encourage permeable paving and other materials that promote infiltration of stormwater.
6. Revise landscaping regulations to require the placement of shade trees in parking lots and use of native plants in all commercial and institutional landscaping.
7. Identify opportunities to connect neighborhoods and development through sidewalks, shared use paths, and trails and require such connections in new development or redevelopment proposals.
8. Encourage revitalization, repurposing, and rehabilitation of existing structures by promoting available resources, such as grants and tax credits, and pursuing funding to support such efforts.
9. Encourage Low Impact Development practices and alternative wastewater systems in environmentally sensitive areas to ensure the preservation of water quality in the County.
10. Continue to encourage and administer cluster subdivision regulations and incentivize their use in rural areas of the County to preserve open space and reduce the impact of development. Regularly evaluate and modify cluster subdivision regulations as needed to ensure they are effective and meet County standards.

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Draft Chapter 6: Protecting Natural & Cultural Resources

Create a Coordinated Framework for Growth

11. Conduct a review of zoning and land development codes and ordinances on a yearly basis to ensure compatibility with the goals, objectives, and recommendations of this Plan.
12. Evaluate land use applications for rezonings and special use permits against the criteria contained within this Plan.
13. Update land use regulations to provide clear and simplified requirements that promote economic development, enable creative housing choices, and protect sensitive resources.
14. Review the zoning ordinance, and amend it as necessary, to allow for a wider mix of use types, including accessory dwellings and mixed-use buildings.
15. Encourage new development in designated growth areas so that existing infrastructure can be more efficiently used, and rural lands will be protected from development.
16. Ensure that new development complements and enhances its surroundings through proper land use, design, landscaping, and transitional buffers.
17. Ensure that a natural transition is maintained between the Land Use Elements through careful development review.

Mr. Hauschner noted that they should add a strategy to promote third-party equity audit periodically (every 5-10 years) to ensure equitable distribution of resources. Mr. Harman added that he liked strategy 11.

Chapter 4 - Connecting People and Places

Mr. Rutherford noted that they are going to review Chapter 4 and then schedule another work session at a later date.

Mr. Musso presented the following:



Chapter 4 Connecting People & Places

Chapter Goal

Nelson County maintains a transportation system that provides a safe and efficient multimodal network to connect residents and visitors to places they live, work, recreate, and access services throughout the County and region.

Mr. Barton questioned whether the goal statement was obtainable. Mr. Reed noted that it being in the present tense implies that they are currently doing it but that it is something they are aspiring to do. Ms. Redfearn said the verb tenses are important and should all be the same throughout the goal statements, and the best practice is that it is in present tense.

Mr. Hauschner stated that they don't need to focus on regional connection due to it already being well established. He explained that they need to focus less on the major vessels of transportation and more on the capillaries. Ms. Proulx noted that she disagrees with this, there are many people in the County that work and the only transportation they have is cars. Ms. Bishop believed that this originated from a comment about not encouraging expansion or certain services that they have access to in the region, and that the focus should be on the connectivity to these existing locations (hospitals, colleges, etc.). Mr. Musso noted that public engagement confirmed there are commuters and connections to cities and services in the area. Mr. Reed noted that he likes the statement as it is written.

Ms. McGarry added that transportation is not just the movement of people but also goods. She questioned whether this should be addressed in the goal statement. Mr. Harman noted that they don't have many carpool areas and that people would use them. Mr. Amante added that two carpool areas exist and that there is a strategy that addresses this. Ms. McGarry recommended adding "access goods and services" to the strategy. Mr. Rutherford noted that the goal statement works as it is written. The consensus was to keep the statement as written.

Mr. Musso presented the following:

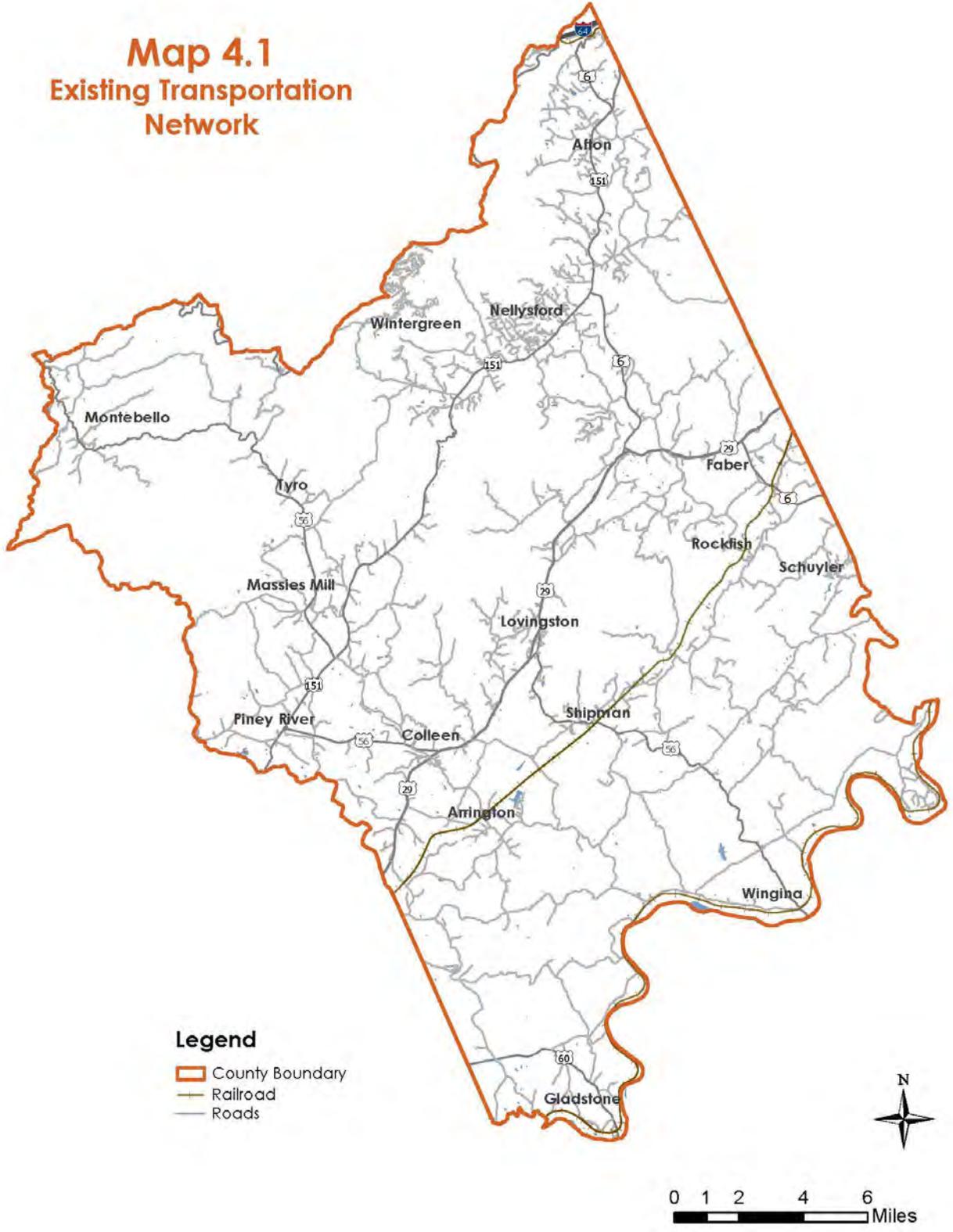
Focus Areas

- 1. Maintain & Improve the Existing Road Network**
 - a) Road Network
 - b) Road Safety
- 2. Invest in Alternative Transportation**
 - a) Pedestrian and Bicycle Infrastructure
 - b) Electric Vehicle Accessibility
 - c) Shared Transportation
- 3. Coordinate Land Use and Transportation**
 - a) Urban Development Areas
 - b) Small Area Plans
- 4. Priority Transportation Improvement Projects**
 1. Six-Year Improvement Program (SYIP)
 2. Vtrans
 3. Priority Transportation Projects

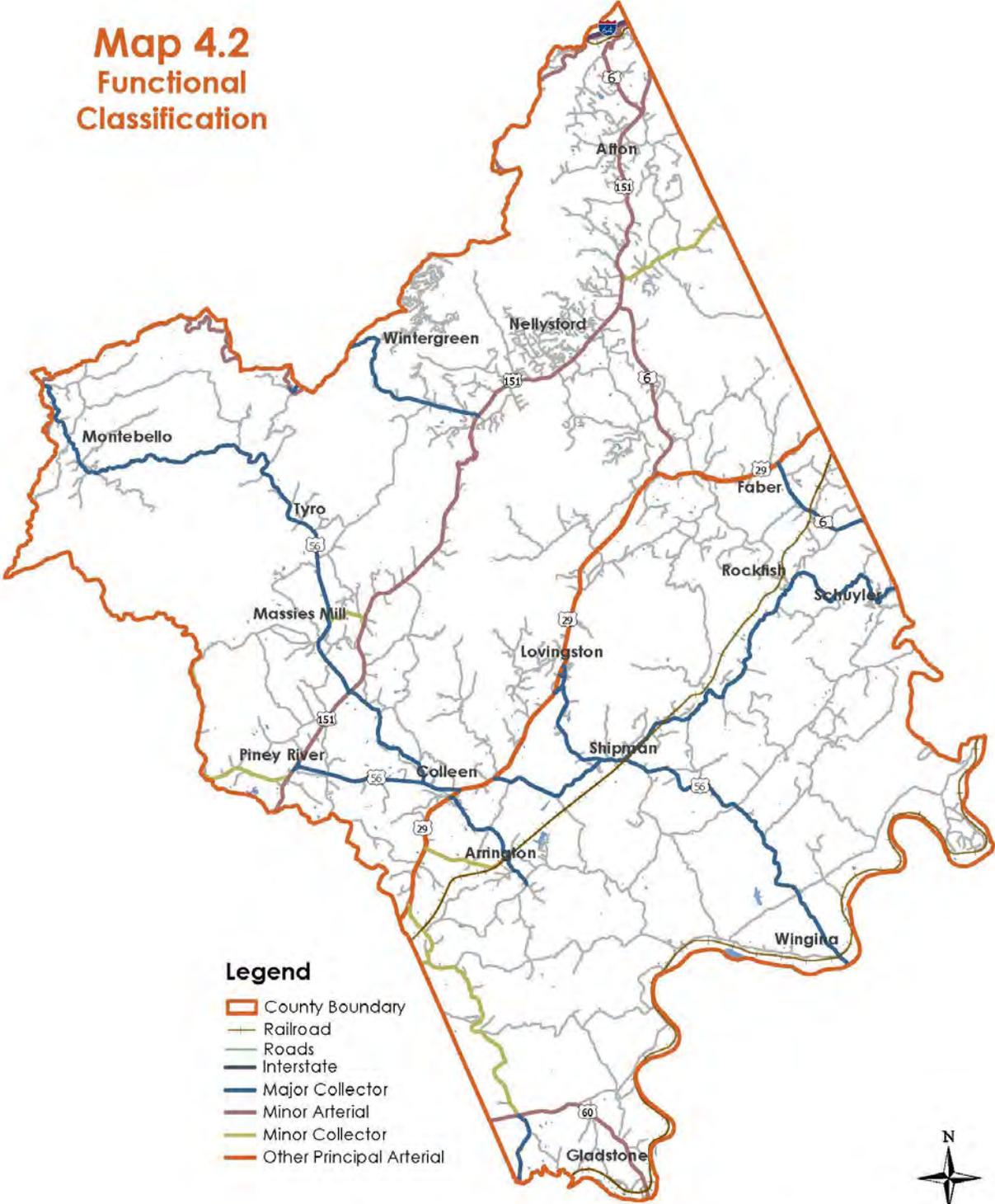
Ms. Redfearn noted that much of the content in this chapter is required by VDOT and will need to be reviewed by them for compliance.

Mr. Musso presented the following transportation maps:

Map 4.1 Existing Transportation Network



Map 4.2 Functional Classification

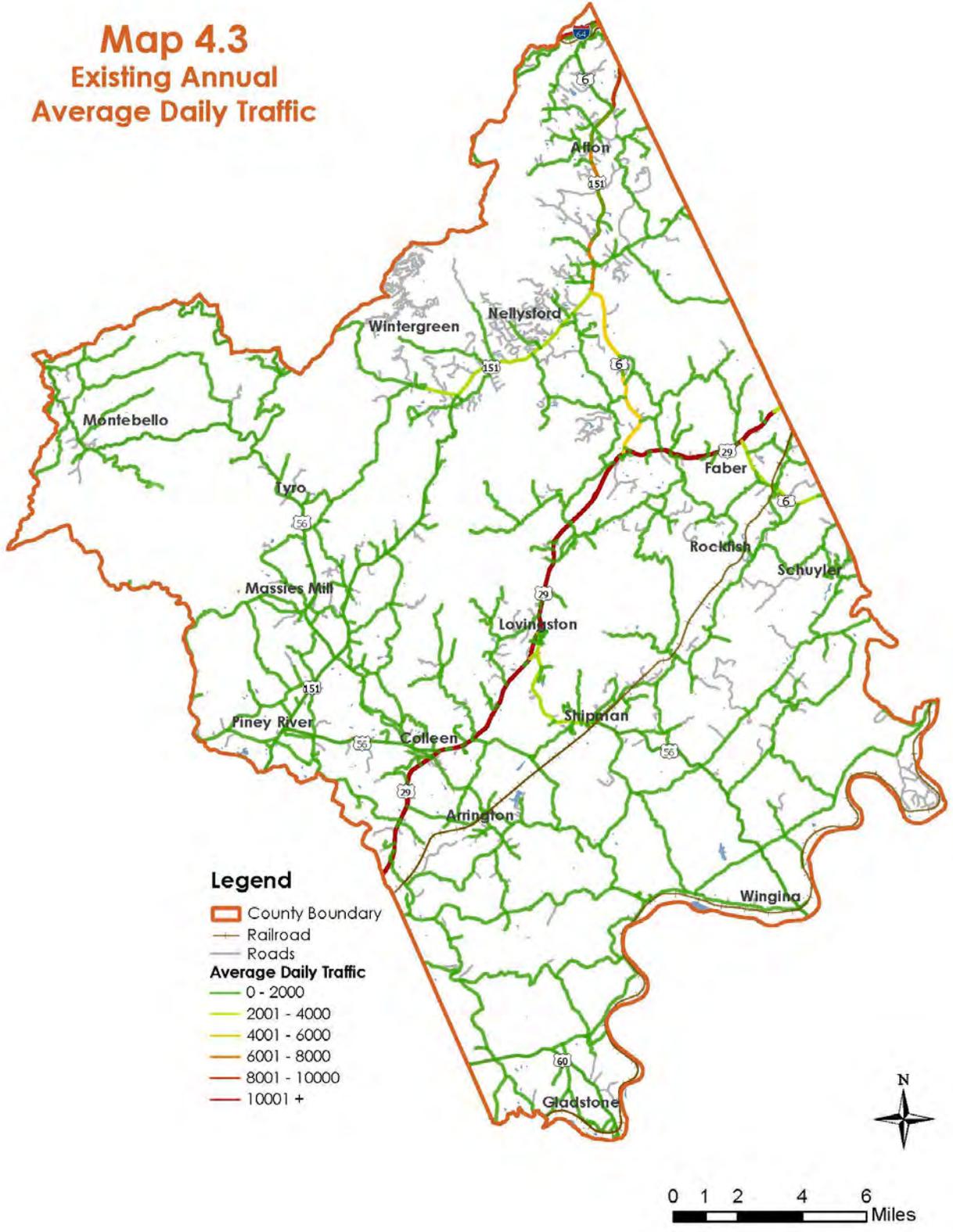


- Legend**
- County Boundary
 - Railroad
 - Roads
 - Interstate
 - Major Collector
 - Minor Arterial
 - Minor Collector
 - Other Principal Arterial

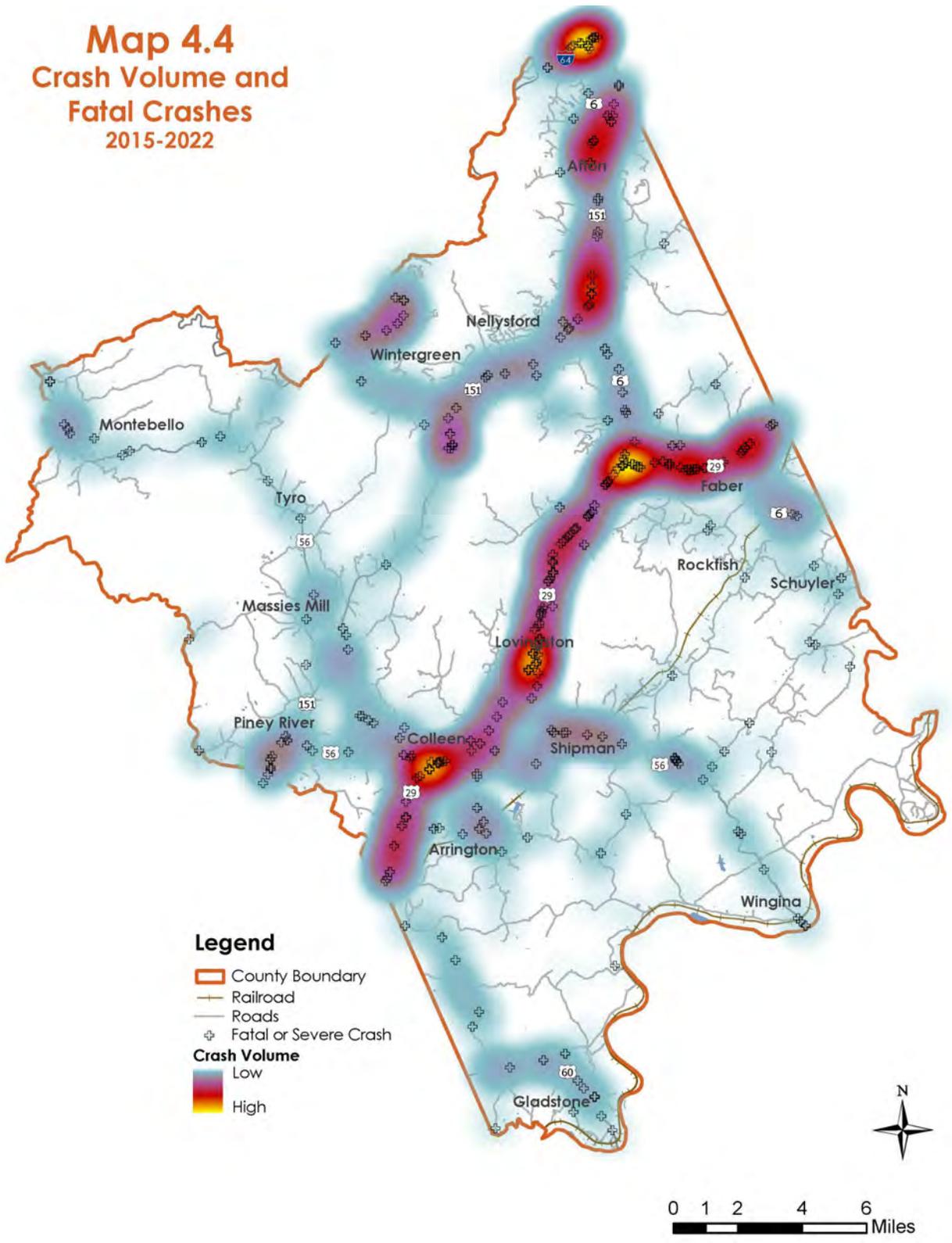


0 1 2 4 6 Miles

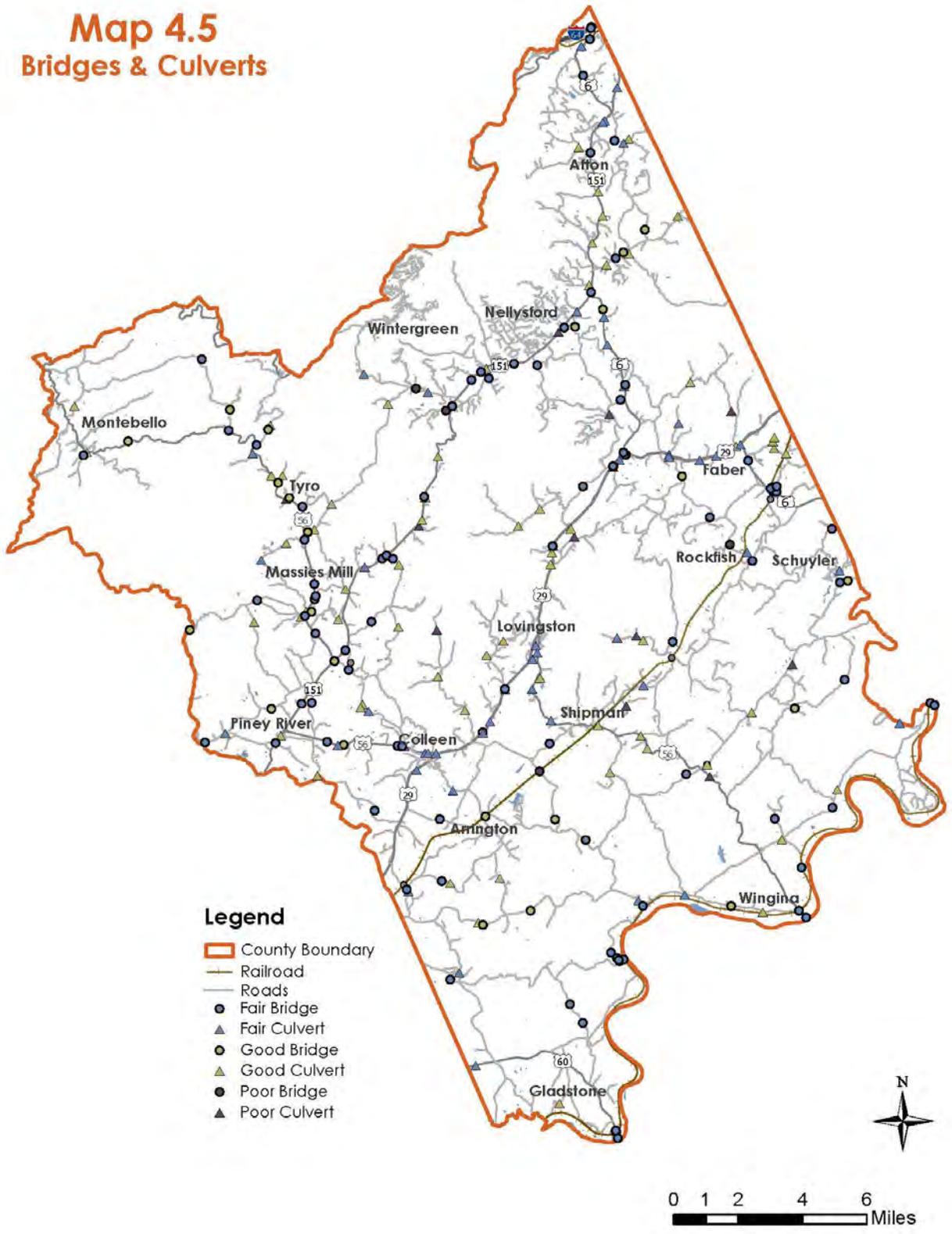
Map 4.3 Existing Annual Average Daily Traffic



Map 4.4 Crash Volume and Fatal Crashes 2015-2022



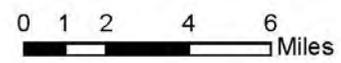
Map 4.5 Bridges & Culverts



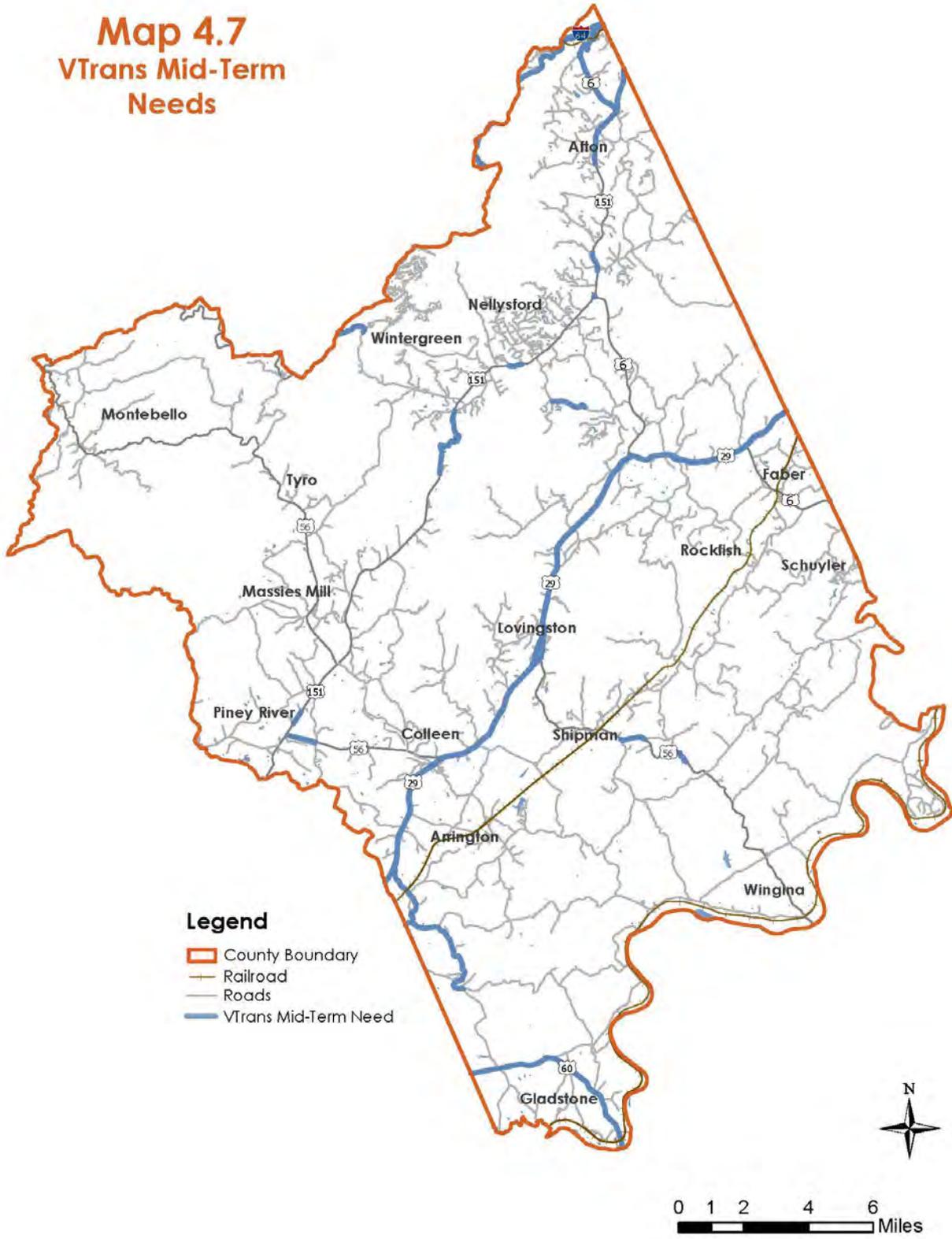
Map 4.6 Greenways Plan



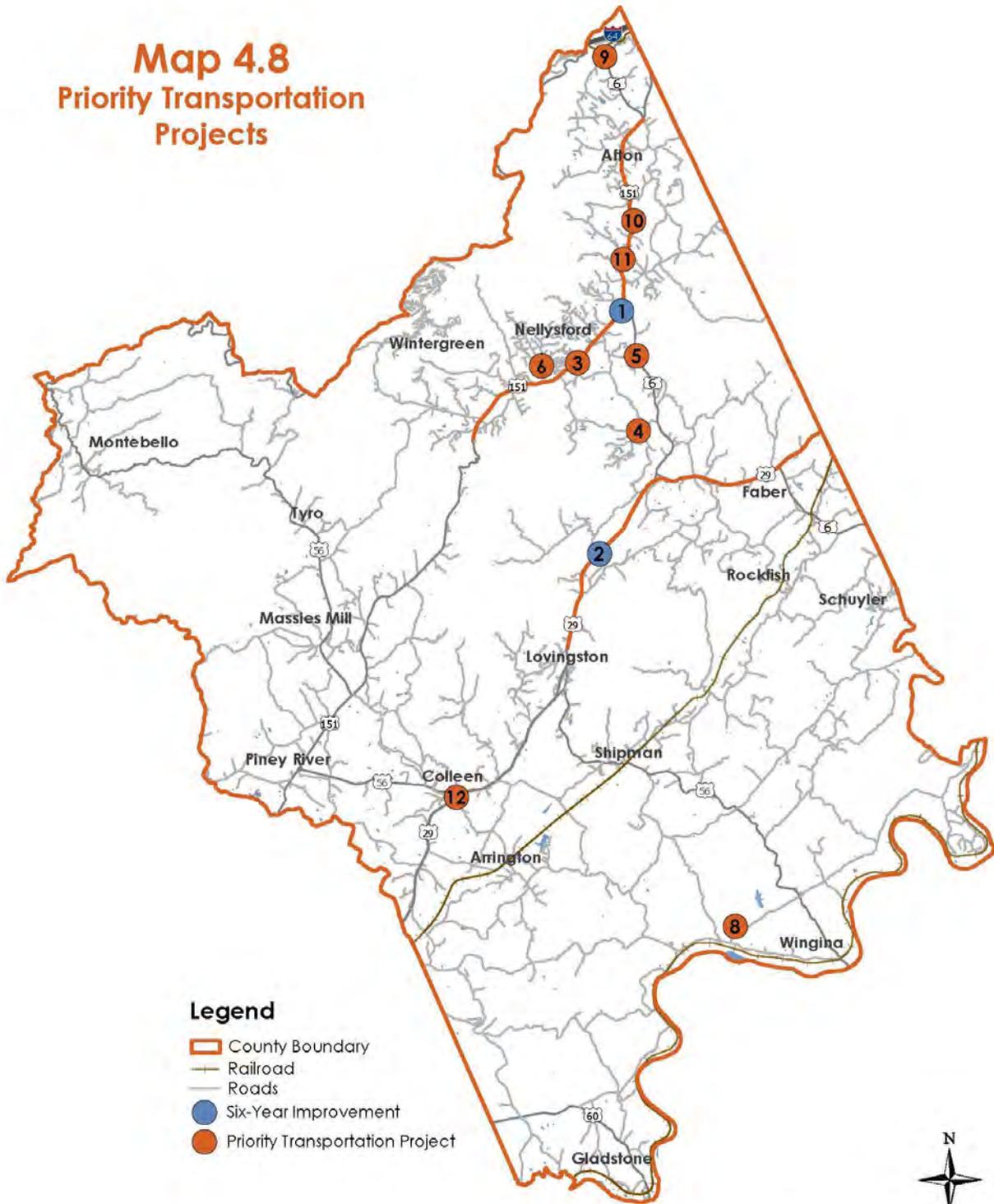
- Legend**
- ▬ County Boundary
 - ▬ Railroad
 - ▬ Roads
 - ▬ Proposed Greenway



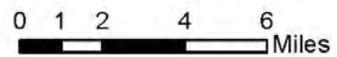
Map 4.7 VTrans Mid-Term Needs



Map 4.8 Priority Transportation Projects



- Legend**
- County Boundary
 - Railroad
 - Roads
 - Six-Year Improvement
 - Priority Transportation Project



Mr. Rutherford noted that the three intersections that show on the Crash Volume Map (4.4) are always a topic of discussion. He was surprised that there weren't more fatal accidents on Route 151. He added that the hot spots are on Route 29.

Mr. Musso presented Table 4.2 and explained that this fuels their conversation for recommended priority transportation projects:

DRAFT

Nelson County Comprehensive Plan

Draft Chapter 4: Connecting People & Places

Priority Transportation Projects

This section lists priority transportation projects for the future of Nelson County. These projects have been identified by examining the County's existing and future transportation needs while taking into consideration community input and existing information from the plans and programs included in this Chapter. Table 4.2 provides a list of these transportation projects that Nelson County can undertake to better connect the community to important destinations and services within and outside the County. Where possible, cost estimates have been provided along with the source of the project. The approximate location for each of these priority projects is illustrated in Map 4.7; the project number listed in the table corresponds with the numbers on the map.

Table 4.2 – Recommended Priority Transportation Projects

| Project # | Project Name | Description | Cost (in thousands of dollars) | Improvement Type | Source |
|-----------|------------------------------|---|--------------------------------|----------------------|---------------------|
| 1 | Route 6 Roundabout | Construct a roundabout at the intersection of Route 151 and Route 6. | \$15,705 | Operations | VDOT; Nelson County |
| 2 | Route 29 Safety Improvements | Widen the shoulders along sections of Route 29 and add rumble strips. | \$9,952 | Safety | VDOT; Nelson County |
| 3 | Route 151 Safety Study | Conduct a traffic study and evaluate for traffic and pedestrian safety improvements along Route 151 in Afton and Nellysford. | TBD | Traffic Safety Study | Nelson County |
| 4 | Adial Road Safety Study | Conduct a study to identify possible safety improvements along Adial Road (Route 634). | TBD | Traffic Safety Study | VTRANS |
| 5 | Route 6 Truck Reduction | Evaluate the truck traffic along Route 6 between Route 151 and Route 29 and consider restricting allowable truck size along Route 6 | TBD | Safety | Nelson County |
| 6 | Route 151 Parallel Trail | Construct sidewalks and trails parallel to Route 151 to connect from Wintergreen to Afton and the Blue Ridge Tunnel Trailhead. | TBD | Operations | Nelson County |
| 7 | Greenway Connectivity | Connect and expand existing trails through a system of greenways. | TBD | Operation | Nelson County |

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| Project # | Project Name | Description | Cost (in thousands of dollars) | Improvement Type | Source |
|-----------|--------------------------------|--|--------------------------------|----------------------|--|
| 8 | James River Multi-Use Trail | Improve local and regional connectivity to trails by supporting a shared use trail along the James River from the Albemarle County line to the Amherst County line | TBD | Operations | TJPDC; Nelson County; Albemarle County, Amherst County |
| 9 | Blue Ridge Tunnel Connectivity | Improve local and regional connectivity to trails by supporting connection to the Blue Ridge Tunnel via the Three Notched Trail. | TBD | Operations | TJPDC; Nelson County; Albemarle County, Amherst County |
| 10 | Route 151 Speed Study | Conduct a speed study along Route 151 to evaluate safety concerns and the feasibility of lowering the speed limit. | TBD | Traffic Safety Study | TJPDC; Nelson County |
| 11 | Route 151 Road Widening | Widen the shoulders along Route 151 and add bicycle lanes where applicable. | TBD | Safety | Nelson County |
| 12 | Colleen Park and Ride | Construct an official park and ride lot near Colleen. | TBD | Operations | Nelson County |

[Map 4.8 – Recommended Priority Transportation Projects]

Mr. Reed wanted to add that wherever there is going to be an improvement, it should be built large enough to accommodate multimodal transportation. He added that they would need VDOT easements for multimodal to occur.

Ms. Redfearn asked if there were any additional locations where they would like to see improvements. Mr. Rutherford identified the need for a project at Route 29 intersection in Lovingston. He added that they need acceleration and deceleration lanes as well as some kind of crossing. Ms. Redfearn noted that they would add two projects, a decrease in speed on Route 29 in Lovingston and a form of safe multimodal crossing.

Mr. Hauschner states that they should add connectivity from the East to the West side of Lovingston. Mr. Barton asked about the intersection of Route 151 and Route 6. Mr. Rutherford noted the project there is already funded. Mr. Proulx noted that number 6 is not feasible and does not make sense, she added that it should be removed or moved to the bottom of the priority list. Mr. Reed noted that the length should be at least from Rockfish Valley Community Center or Rockfish Elementary School to Devil's Backbone. Mr. Rutherford noted that the county should be more active in advocating for a second exit out of Wintergreen. Mr. Reed noted that there is an existing ROW with access to the Blue Ridge Parkway that could be utilized as an additional exit. Ms. Redfearn clarified that they would be amending number 6 to include that it would be from Rockfish Valley Community Center to Devil's Backbone.

Mr. Reed noted that greenways should be more defined in the plan. Ms. Redfearn noted that greenways are addressed on the Priority Transportation Projects table (4.2). Ms. Bishop clarified that there is more info on greenways in the Tourism and Economy chapter. Mr. Amante asked if there was a trail that connected to the Blue Ridge Tunnel. Mr. Rutherford noted that it is just the tunnel but that Waynesboro has interest in a trail. Ms. Redfearn noted that if there are additional specific projects they should be noted on the Priority Transportation Projects table (4.2). Mr. Musso added that there is a strategy in previous chapter to develop a parks and recreation master plan that could address trails. Mr. Hauschner noted that he would like to see more connectivity within the central villages of Nellysford, Colleen, and Lovingston.

Ms. McGarry noted that the transportation chapter should emphasize the fact that the county does not own or maintain any roads or sidewalks. She added that they are all maintained by VDOT or privately maintained. Mr. Rutherford added that he would like to see sidewalks and streetscape revitalization throughout all of Lovingston as a priority.

Mr. Reed added that there should be a mention of possible speed limit reduction on Routes 151 and 6 in response to the tractor trailer activity. Mr. Musso noted that it is addressed in numbers 5 and 10 of the Priority Transportation Projects.

Strategies



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Draft Chapter 4: Connecting People & Places

HOW WE MOVE FORWARD

Goal Statement

Nelson County maintains a transportation system that provides a safe and efficient multimodal network to connect residents and visitors to places they live, work, recreate, and access services throughout the County and region.

Strategies

Maintain & Improve the Existing Road Network

1. Continue to work with VDOT to develop, design, and implement transportation projects, including, but not limited to, SMART SCALE, Highway Safety, Bike Pedestrian Safety, and Transportation Alternatives projects.
2. Conduct traffic safety and speed studies throughout the County, as necessary, based on an analysis of existing traffic volume and crash statistics. Work with VDOT to address priority traffic safety issues, such as a reduction of speed limits.
3. Target safety improvements at high-crash intersections and roadway corridors.
4. Partner with VDOT and TJPDC to prioritize improvements to bridges and culverts with poor ratings.
5. Continue to work with VDOT and other regional partners to provide essential maintenance and expansion of vital transportation systems throughout the County.
6. Coordinate with neighboring jurisdictions, state, and regional agencies in planning and achieving an efficient and cost-effective transportation network.

Invest in Alternative Transportation

7. Identify areas to construct or expand natural trails and sidewalks for pedestrian traffic.
8. Explore opportunities to widen County roadways and introduce bicycle lanes to facilitate safe bicycle travel.
9. Support regional partners in their efforts to link the Blue Ridge Tunnel Trail to regional destinations through pedestrian and bicycle infrastructure.
10. Support an expanded greenway trail network and ensure that the trail network connects to key public destinations such as parks, libraries, schools, and community



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centers, as well as to private developments and other trail systems, including regional trail networks.

11. Install EV charging stations at County-owned properties such as administrative offices, schools, and libraries.
12. Evaluate the feasibility of installing solar panels above County-owned parking lots to provide both covered parking and clean energy infrastructure.
13. Work with community organizations to help facilitate the installation of EV charging stations in the County.
14. Encourage ridesharing, car/vanpooling, and other means of shared vehicle use.
15. Explore opportunities to create additional commuter parking lots in other areas of the County, such as along U.S. Route 29 near Colleen or Lovingston.
16. Continue partnership with JAUNT to monitor existing service and identify needs and gaps in the public transportation network for potential future service.
17. Explore the feasibility of creating additional public transportation services in Nelson County, such as local or regional shuttle services.

Coordinate Land Use & Transportation

18. Facilitate the study of potential village and urban areas for designations as Urban Development Areas.
19. Facilitate the creation of area plans that identify transportation improvements in County towns and villages, such as Lovingston and Nellysford.

11. Mr. Hauschner noted that they should support clean energy sources of EV charging power.

Next Steps

Next Steps



Edits for Ch. 3, Ch. 4 & Ch. 9, comments by 5/26/2023



Incorporate Edits & Compile Entire Document. Send to Board/PC for individual review and strategy prioritization. – June/July



VDOT 729 Review (90-day review)



Community Open House – July/August



Final Worksession (Open House Feedback & Final Edits) – August/September



Public Hearings and Adoption – September/October

Ms. Redfearn explained that they would like to see comments on chapters 3 and 4 by May 26th.

Ms. Redfearn mentioned that there was discussion of an additional work session scheduled for June 29th starting at 6:00pm. She explained that they would be reviewing plan in its entirety as well as chapter 9 and the implementation matrix. She added that they will have the draft plan to review by June 15th. Mr. Musso added that there is a survey on the website for public comment.

Mr. Reed made a motion at 9:02 PM to continue the meeting to May 24th at 3 PM. Mr. Barton seconded the motion.

Yes:

Jesse Rutherford

Skip Barton

Ernie Reed

Mr. Harman made a motion to adjourn the meeting at 9:02 PM. Mr. Amante seconded the motion.

Yes:

Robin Hauschner

Phil Proulx

Mike Harman

Chuck Amante

The meeting adjourned at 9:02 PM

Respectfully submitted,



Emily Hjulstrom

Planner/Secretary, Planning & Zoning

DRAFT



Nelson County Planning Commission
Meeting Minutes
May 24th, 2023

Present: Vice Chair Robin Hauschner and Commissioners Mike Harman, Phil Proulx, Chuck Amante, and Ernie Reed

Staff Present: Dylan Bishop, Director

Call to Order: Vice Chair Hauschner called the meeting to order at 7:01 PM in the General District Courtroom, County Courthouse, Lovingston.

Review of Meeting Minutes:

- January 18, 2023 – Joint Work Session

Ms. Proulx made a motion to approve the January 18th, 2023 minutes. Mr. Harman seconded the motion.

Yes:

Michael Harman

Phil Proulx

Robin Hauschner

Ernie Reed

Abstain:

Chuck Amante

- March 15, 2023 – Joint Work Session

Ms. Proulx made a motion to approve the March 15th, 2023 minutes. Mr. Reed seconded the motion.

Yes:

Michael Harman

Phil Proulx

Robin Hauschner

Ernie Reed

Chuck Amante

- **April 26, 2023 – Planning Commission**

Mr. Reed made a motion to approve the April 26th, 2023 minutes. Ms. Proulx seconded the motion.

Yes:

Michael Harman

Phil Proulx

Robin Hauschner

Ernie Reed

Chuck Amante

Public Hearings

Special Use Permit #927 – Single Family Dwelling

Ms. Bishop presented the following information:

**Nelson County
Planning Commission**

To: Planning Commission
From: Dylan M. Bishop, Director of Planning & Zoning *DMB*
Date: May 24, 2023
Re: SUP #927 – Addition to Existing Dwelling in B-1 – 117 Center Hill Lane

BACKGROUND: This is a request for a Special Use Permit to allow an addition to an existing single-family dwelling on property zoned B-1 Business.

Public Hearings Scheduled: P/C – May 24; Board – June 13 (tentative)

Location / Election District: 117 Center Hill Lane (Gladstone) / South District

Tax Map Number(s) / Total Acreage: 97B-1-E-4 / 0.14 acres +/- total

Applicant/Owner Contact Information: Ricky and Judy McFadden, 117 Center Hill Lane, Gladstone, VA 24553, 434-907-4375

Comments: This property contains an existing single-family dwelling that was constructed in 1955. Single-family dwellings require a Special Use Permit in the B-1 Business zoning district, therefore the use is considered nonconforming. *Article 11 – Nonconforming Uses* from the Zoning Ordinance states that a nonconforming use cannot be expanded or enlarged in any way that increases its nonconformity, therefore the Special Use Permit is required to permit the requested addition. There are no side yard setback requirements in the B-1 District when adjoined by other B-1 zoned property. Additionally, the applicant owns the adjoining properties.

DISCUSSION:

Land Use / Floodplain: This area is residential in nature, with some agricultural uses as well. This area adjoins the railroad and the James River in Gladstone. Zoning in the vicinity is B-1 Business, A-1 Agriculture, and R-1 Residential. There are no floodplains located on this property.

Access / Traffic / Parking: This property is accessed by an existing private entrance on Center Hill Lane from Gladstone Road.

Utilities: There is existing septic and well on the property and the Health Department will provide a safe, adequate, and proper review prior to the building permit being issued.

Comprehensive Plan: This property is located in an area designated Rural and Farming on the Future Land Use Map, 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. Protection of usable farmland should be encouraged. Clustering of any new development in areas of a site without prime or productive soils will enhance the protection of prime or productive soils for future agricultural uses."

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

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate.
2. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property.
3. The proposed use shall be adequately served by essential public or private water and sewer facilities.
4. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance.

Attachments:
Application
Plat
Zoning

Ricky McFadden is the applicant, he stated that he applied for a building permit and was notified that with B-1 zoning he couldn't add an addition without the Special Use Permit. He explained that they have a handicapped family member living with them who can't get into the bathroom. He added that his wife has to pick her up and take her to the restroom. He explained that he wants to build a bigger bathroom for access.

Mr. Harman asked if Mr. McFadden owns adjoining lots. Mr. McFadden explained that the railroad owns the 50' wide adjoining lot and that he had tried to buy it from railroad unsuccessfully. He added that he owns the lot on the other side. Mr. Harman asked where the addition will be. Mr. McFadden noted it will come directly off the back. Ms. Proulx noted there are no setbacks in B-1 so doesn't need to worry about setbacks. Mr. McFadden noted that he has updated the septic system and had a new drain field put in. Mr. Hauschner asked why it was zoned B-1 in the first place. Ms. Bishop explained that she did not know.

Mr. Hauschner opened the public hearing at 7:09 PM.

Mr. Hauschner closed the public hearing at 7:09 PM.

Mr. Amante asked why they couldn't rezone but noted that Ms. Bishop indicated this was the quickest way. He added that they will be looking at the zoning and ordinance soon. Mr. Amante added that he is not thrilled with violating the intent of the nonconforming ordinance but is supportive of this application. Mr. Hauschner asked if setbacks would be a problem if the property is rezoned in the future. Ms. Bishop explained that any new construction would need to meet setbacks and what is currently there would remain nonconforming. Mr. Amante asked if all the vacant lots were also owned by the railroad. Mr. McFadden pointed out which lots are owned by the railroad and which lots he owns. Ms. Proulx asked who created the subdivision and questioned if it was the railroad. Mr. McFadden explained that he doesn't know but assumes that the land was bought from the railroad. He noted that his parents live in the last lot and he maintains it. Mr. Harman asked how many houses are there. Mr. McFadden noted there are five there currently, there had been two more but one burnt down and the other was torn down.

Ms. Proulx made a motion to recommend approval of SUP #927 for a single family dwelling to add an addition to an existing dwelling. Mr. Amante seconded the motion.

Yes:

Michael Harman

Phil Proulx

Robin Hauschner

Ernie Reed

Chuck Amante

Special Use Permit #928 – Brewery

Ms. Bishop presented the following information:

**Nelson County
Planning Commission**

To: Planning Commission
From: Dylan M. Bishop, Director of Planning & Zoning *DMB*
Date: May 24, 2023
Re: SUP #928 – Brewery in B-1 – 2188 Rockfish Valley Hwy

BACKGROUND: This is a request for a special use permit on property zoned B-1 Business to allow a brewery use within an existing structure.

Public Hearings Scheduled: P/C – May 24; Board – June 13 (tentative)

Location / Election District: 2188 Rockfish Valley Highway / Central District

Tax Map Number(s) / Total Acreage: 21-5-1C / 3.23 acres +/-

Applicant Contact Information: James Eli Ebrahimi, 5311 Hedge Hall Lane, Coveseville, VA 22931, 310-270-5682, jmeebrahimi@gmail.com

Owner Contact Information: Sarah Phillips (Valleymont Holdings LLC), 2188 Rockfish Valley Hwy, Nellysford, VA 22958, 434-826-9005, valleymontholdingsllc@gmail.com

Comments: SUP #2019-03 was approved by the Board of Supervisors on January 14, 2020, with the condition that the total square footage for both public space and production area is not to exceed 1,200 square feet. The former owner was not able to establish the use within the required one-year time frame before he passed away, and therefore the SUP expired. The applicant has proposed the same request to carry out Mr. Fred Phillips's vision.

DISCUSSION:

Land Use / Floodplain: This area is commercial, residential and rural in nature. Current uses on the property include multiple long-standing commercial operations, residential units, storage and agricultural buildings. The western boundary of the property is located within a 100-year flood plain, however no structures are located within the floodplain.

Access and Traffic: The property is accessed from Rockfish Valley Highway. The entrance directly north of the car wash has been closed, as previously recommended by VDOT. VDOT did not have any additional comments.

Utilities: Property is served by private well and septic systems. The Health Department indicated that an engineer will be required to assess the current operation and capacity of the system to determine if it is sufficient or requires modification for the proposed brewery use.

Comprehensive Plan: The Nellysford area is designated as the County's only "Neighborhood Mixed Use Development Model." It is further identified as a "primary development area." This model supports a central gathering place able to fulfill the diverse needs and interests of nearby residents and visitors to the county, all within a focused, walkable, and identifiable place. However, the exact language in the *Comp Plan* is unclear as to whether or not the "primary development area" extends to this area of Nellysford.

Additionally, the Future Land Use Plan includes an area labeled "South of Nellysford" which is designated as a "Rural Residential District Model." This district "would allow low density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use."

RECOMMENDATION:

Conditions: Should the Planning Commission recommend approval of SUP #928 for a brewery in B-1 Business at 2188 Rockfish Valley Hwy, staff would recommend the condition that the total square footage for public space and production area is not to exceed 1,200 square feet.

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

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate.
2. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property.
3. The proposed use shall be adequately served by essential public or private water and sewer facilities.
4. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance.

Attachments:
Application
Site Plan
Floor Plan
Zoning



Eli Ebrahimi of 5182 Hedge Hall Ln in Covesville is the applicant. He explained that he's always had a dream of opening a small brewery. He met the owner, Sarah Phillips, and the previous owner, Fred Phillips, who is now deceased. He explained that Mr. Phillips had acquired a Special Use Permit for a brewery in the past and that the ABC permits are still on the wall. He added that he wants to carry out his vision. He added that he would like to do small batches of craft beer. Ms. Proulx asked if he knows what the plan is for the back of the building. Mr. Ebrahimi noted that there is an apartment above but that his 1200 sq ft extends to the back of the building.

Mr. Harman asked if the barbershop is still active. Mr. Ebrahimi indicated that it was. Mr. Harman asked if people still live in the residence. Mr. Ebrahimi noted that they do. Mr. Harman asked if the Health Department had already approved the system. Mr. Ebrahimi explained that they had a few years ago but he will need to get a test for the water and septic again. Mr. Hauschner asked if the location was on the same system as the Blue Ridge Pig. Mr. Ebrahimi noted that they are not on the same system. Mr. Harman noted that he thinks it would be a good use of the property. He asked if the car wash was still in operation. Mr. Ebrahimi noted that it appears to be in use.

Ms. Proulx asked if the Planning Commission will review a site plan. Ms. Bishop explained that a site plan is only required if there is a physical change to the property. She added that there would be no increased parking required. Mr. Reed asked if there was any mention of parking in the original Special Use Permit. Ms. Bishop noted that there was not. Mr. Amante asked if it were possible for them to expand later. Mr. Ebrahimi noted that production and public space will be confined to 1200 sq ft. He added that the parking between the businesses is shared and that the residents have their own private parking in the back. Ms. Bishop added that all the businesses are managed under one LLC, the property is owned by the family, and the buildings are owned individually.

Mr. Hauschner opened the public hearing at 7:28 PM.

Mr. Hauschner closed the public hearing at 7:28 PM.

Mr. Harman made a motion to recommend approval of SUP #928 for a brewery with the conditions that the brewery will be limited to a maximum of 1200 sq ft and that Health Department approval is acquired. Mr. Amante seconded the motion.

Yes:

Michael Harman

Phil Proulx

Robin Hauschner

Ernie Reed

Chuck Amante

Special Use Permit #934 – Vacation House

Ms. Bishop presented the following information:

**Nelson County
Planning Commission**

To: Planning Commission
From: Dylan M. Bishop, Director of Planning & Zoning *DMB*
Date: May 24, 2023
Re: SUP #934 – Vacation House in R-1 – 333 Sunrise Drive

BACKGROUND: This is a request for a Special Use Permit to allow a vacation house use in an existing dwelling on property zoned R-1 Residential.

Public Hearings Scheduled: P/C – April 26; Board – June 13 (tentative)

Location / Election District: 333 Sunrise Drive (Afton) / North District

Tax Map Number(s) / Total Acreage: 6-16-6 / 0.29 acres +/- total

Applicant/Owner Contact Information: James and Nicole Boyer, 19302 Falls Road, Hampstead, MD 21074, 443-388-3490 / 443-633-3968, jboyer1856@gmail.com / npruiks@gmail.com

Comments: This property contains an existing single-family dwelling. The narrative provided by the applicants indicates that they primarily utilize the dwelling as a second home to visit family in the area, and in the long term intend to relocate there for retirement. They are requesting to utilize the dwelling as a vacation house, or short-term rental, with a maximum of 4 guests. According to the application, the adjoining dwellings are currently utilized as long-term rentals, and the aforementioned family in the area would be caretakers of the home when the owners are not in town.

Vacation House: A house rented to transients. Rental arrangements are made for the entire house, not by room...

Transient: A guest or boarder, one who stays for less than thirty (30) days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by that guest or boarder.

Section 5-1-5a of the Zoning Ordinance requires a Special Use Permit for a vacation house use in the R-1 Residential district.

DISCUSSION:

Land Use / Floodplain: This area is residential in nature, with some agricultural uses as well. The north side of Sunrise Drive is zoned A-1 Agriculture, while the south side of the road is zoned R-1 Residential for a distance of approximately 200 feet. There are no floodplains located on this property.

Access / Traffic / Parking: This property is accessed by an existing shared entrance on Sunrise Drive.

Utilities: There is existing septic and well on the property.

Comprehensive Plan: This property is located just south of Avon, an area designated Rural Residential on the Future Land Use Map, which "would allow low density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use... These sites are adjacent to identified development areas and adjacent to existing institutional or small-scale industrial uses."

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

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate.
2. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property.
3. The proposed use shall be adequately served by essential public or private water and sewer facilities.
4. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance.

Attachments:
Application
Narrative
Plat
Zoning

Jim and Nicole Boyer of 333 Sunrise Dr in Afton are the applicants. Mr. Boyer noted that they are looking to move to this location full time but Ms. Boyer's mother is in the hospital and needed a second home to be in the area. They noted that they have verbal approval from adjoining landowners who reside in Charlottesville. They added that the neighboring house adjacent to Route 151 is a short-term rental.

Mr. Hauschner opened the public hearing at 7:34 PM.

Mr. Hauschner closed the public hearing at 7:34 PM.

Mr. Reed asked about history of the property and questioned why the property is so small. Mr. Boyer noted that 333 Sunset, as well as two adjoining properties, were once all owned by the same person who built the houses for individual family members and then sold them off over time. Ms. Bishop looked

at previous owners to interpolate that the Slossons originally owned the parent lot and subdivided. She added that when the homes were built there was no requirement to be 75' from the center of the road. Mr. Harman asked if those three lots were all owned by the same person. Mr. Boyer noted that they are not owned by the same person. Ms. Proulx asked if there was existing well and septic on the property, and Mr. Boyer confirmed there was. Mr. Hauschner asked if there was screening between the houses. Mr. Boyer noted that there is a shed and they have considered a fence but not yet. Ms. Proulx confirmed that they have a deeded ROW across the neighboring property. Mr. Harman confirmed that they share a driveway.

Ms. Proulx made a motion to recommend approval of SUP #934 for a vacation house. Mr. Harman seconded the motion.

Yes:

Michael Harman

Phil Proulx

Ernie Reed

Chuck Amante

No:

Robin Hauschner

Rezoning #938 – A-1 Agricultural to M-2 Industrial

Ms. Bishop presented the following information:

**Nelson County
Planning Commission**

To: Planning Commission
From: Dylan M. Bishop, Director of Planning & Zoning *DME*
Date: May 24, 2023
Re: REZ #938 – A-1 to M-2 for Storage Warehouse – 1890 River Road

BACKGROUND: This is a request to rezone property from A-1 Agriculture to M-2 Industrial, to utilize an existing structure for storage units.

Public Hearings Scheduled: PIC – May 24 / Board – June 13 (tentative)

Location / Election District: 1890 River Road / Central District

Tax Map Number / Total acreage: 34-A-12 / 0.2 acres +/- total

Applicant / Owner Information: Regeneration Holdings LLC (Grant Schultz), 1890 River Road, Faber, VA 22938, 848-490-2123, organicgrant@gmail.com

Comments: This property currently contains an existing structure that was built in 1952, and has been used for commercial purposes in the past. A Special Use Permit was approved for an antique shop use at this property in 1996, and the building has been vacant for some time. The only reference to a 'storage warehouse' use in the Zoning Ordinance is a by-right use in the M-2 Industrial District. The owner is proposing to utilize the existing 1,488 square feet building as a 6-unit, multi-tenant storage warehouse, and is not proposing any new construction or additions.

DISCUSSION:

Land Use / Floodplain: The subject parcel is zoned A-1 Agriculture. Zoning in the vicinity is A-1 Agriculture. This area is residential and agricultural in nature. There are no floodplains on the property.

Access and Parking: This property is accessed by existing entrances onto River Road in a circle drive style. Comments from Daniel Brown with VDOT:

"VDOT does not foresee any issues with the rezoning of this property. However, with the change in use the entrance configuration will need to be brought to current standards for commercial entrances. I believe there is an opportunity here to consolidate and/or make the commercial entrance for this planned use meet current access management regulations..."

The narrative provided by the applicant indicates that 14 parking spaces can be situated on the existing gravel surface. The parking requirement for storage (Section 12-7-6c) is 1 space for each employee.

Comprehensive Plan: This property is in the "Rural and Farming District" on the current *Future Land Use Map*, 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."

Proffers: The applicant is proposing to eliminate several uses from the M-2 Industrial Ordinance, such as distillery, brewery, and winery.

RECOMMENDATION: The approval of rezoning requests should be based on one or more of the following factors:

1. Good Zoning Practice
2. Public Necessity
3. General Welfare
4. Convenience

Attachments:
Application
Narrative and Site Plan
Proffers
Zoning
Article 9 – Industrial District M-2

Ms. Bishop added that the applicant is ill and unable to be present at the meeting. She recommended that they still hold the public hearing.

Mr. Harman asked if the applicant was aware of the commercial entrance requirement. Ms. Bishop noted that the applicant has been made aware of all the comments.

Mr. Reed noted that he has spoken with the applicant.

Mr. Hauschner opened the public hearing at 7:47 PM.

Phil Purvis is of 509 Megan Lane in Shipman. He explained that he has a problem with changing zoning and special use permit approvals changing the county. He added that we now have a line of breweries and traffic issues. He stated that he supports property rights but that there needs to be consideration of the exceptions that are being made. He explained that this is a busy road and he is concerned with all the changes in zoning. He added that the county should be kept as rural as possible.

Mr. Hauschner closed the public hearing at 7:49 PM.

Mr. Harman asked if there was any other way to permit this. Ms. Bishop confirmed that this could not be a special use permit. Mr. Harman asked why it couldn't be done as a special use permit in A-1. Ms. Bishop explained that it likely isn't permitted in A-1 because a storage warehouse is more of an industrial use. Mr. Amante noted he wouldn't be supportive of this regardless of proffers and added that this is the definition of spot zoning. Mr. Hauschner asked if the existing special use permit for an antique shop would remain if they rezoned the parcel. Ms. Bishop explained that the special use permit would have expired two years after it ceased being utilized as an antique shop.

Mr. Reed noted that he's been driving by this building for more than 40 years and is familiar with the property. He explained that there's nothing that could be interpreted as industrial use in this area and it would change the character of the area. He added that when he spoke to the applicant he told him he thought it was a terrible idea, and the applicant was thankful for the information but was going to proceed with the rezoning application. Mr. Harman asked if the property is currently vacant. Mr. Reed noted that there is activity outside of the house but doesn't know if there is any activity inside. Ms. Proulx added that they were doing lawn mower repair there for a time. Mr. Reed noted that although the applicant is not present he was still willing to vote on it. Mr. Amante noted that he is okay with tabling and waiting to hear from the applicant but does not know what would change their minds. Ms. Proulx noted that she was ok with going ahead with the vote but didn't know if the applicant would be upset that he wasn't able to present to them. Mr. Hauschner asked if there would be anything stopping the applicant from building a new building for storage if the property was rezoned. Ms. Bishop noted that he could unless there was an agreement with the proffers restricting further development.

Mr. Harman asked if the structure used to be a residence. Mr. Reed noted that at one time people played pool in the building. He believes it might have been a residence historically.

Mr. Reed made a motion to recommend denial of REZ #938 A-1 to M-2. Mr. Harman seconded the motion.

Yes:

Michael Harman

Phil Proulx

Ernie Reed

Chuck Amante

Robin Hauschner

Other Business

Mr. Amante asked if someone from the Service Authority can come to a regular meeting and explain the status and history. Mr. Reed noted that he's on the Board and can speak to a fair amount. He added that

Mr. Harvey was on the Board before him and that George Miller could also meet with them about the history.

Board of Supervisors Report

Mr. Reed explained Service Authority has a history of being defensive and not proactive because when it was set up the assumption was that the county would put up dollars for big projects. He added that the ability to float debt depends on customers. He explained that expansion is unlikely without significant investments on infrastructure. He noted that the Service Authority is meeting in June to discuss increase in rates by 10% for sewer and 15% for water. He added that this would be equivalent to what Aqua Virginia is currently charging. Mr. Amante asked what the capacity is in Lovingston. Mr. Reed noted that they are in the process of trying to get funding to expand the system. He noted that the pumping station south of Lovingston that serves both Lovingston and Piney River is served by the Blackwater Creek Reservoir. He explained that the Piney River part of the system is unique because the County owns it but the Service Authority maintains it.

Mr. Reed noted that the Service Authority discussed debt service for capital improvement projects. He added that without an increase in customers, which won't happen until after expansion, the county will have to take on the debt service. He explained that the Lovingston system would need to be redone if they include Dillard Creek or an impoundment. He added that sewer and water is currently being redone in Wintergreen and is set to be completed in July of 2024. He noted that the Schuyler wastewater treatment is almost done. He explained that the systems are in good shape but are expensive.

Mr. Reed noted that the Piney River system is a problem because it was overbuilt when it was installed. He explained that they have to flush the hydrants weekly to be able to meet DEQ requirements. Mr. Hauschner asked if the pipes were in place before the decontamination. Mr. Reed noted that he didn't think they were.

Mr. Reed explained that when Stoney Creek was being developed it was going to be served by the Service Authority but they ended up choosing Aqua Virginia because they thought it would be cheaper. He thinks that Aqua Virginia does a good job but takes away potential county customers. He questioned whether it was a good idea for a large corporation to be in charge of water resources in the long term. He noted that the new restaurant, Belties, was going to have its sewer served by Aqua Virginia and that they would need to bore under Route 151. This would open up that side of Route 151 to Aqua Virginia.

Mr. Reed noted that most of the employees at the Service Authority are Nelson County residents that get good benefits and salary. He explained that the employees living within the county is ideal because they are able to respond faster when something happens. He noted that the Service Authority generally doesn't project into the future and that the county would have to be the driver for the expansion of systems. Mr. Amante asked if they are looking into a reservoir. Mr. Reed noted that he believes they are. He explained that there is limited infrastructure in Colleen/Arrington which is zoned commercially. Mr. Reed noted that infrastructure and topography limit development in Nelson County.

Mr. Reed noted that the Board of Supervisors had a budget session earlier in the day, there was discussion about changing revenues and expenses but they did not propose any changes to them from what the public hearings were. He explained that at their next meeting they will vote on whether they accept or reject them.

Mr. Hauschner asked what happens when capacity is maxed out. Mr. Reed explained that when you hit 80% capacity the state gets involved and puts a moratorium on it. Ms. Bishop stated that it is her understanding that 40 additional homes in Lovingston would max out the system. Mr. Harman asked if other comparable localities in the region are dealing with the same issues. Mr. Reed noted we have a unique system due to topography and old systems that serve small client bases. He added that with any increase in capacity the existing systems would need to be updated.

Ms. Proulx asked if there were any public hearings planned for the June Planning Commission meeting. Ms. Bishop explained that they don't have any applications yet but there are still a few days before the deadline to apply.

Ms. Proulx made a motion at 8:24 PM to adjourn the meeting. Mr. Amante seconded the motion.

Yes:

Michael Harman

Phil Proulx

Chuck Amante

Robin Hauschner

Ernie Reed

Respectfully submitted,



Emily Hjulstrom

Planner/Secretary, Planning & Zoning

Nelson County Planning Commission

To: Planning Commission

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

Date: July 26, 2023

Re: SUP #986 – Outdoor Entertainment Venue in A-1 – Silver Fox Lavender Farm
(877 Glenthorne Loop)

BACKGROUND: This is a request for a Special Use Permit to allow an outdoor entertainment venue for weddings on property zoned A-1 Agriculture.

Public Hearings Scheduled: P/C – July 26; Board – August 8 (tentative)

Location / Election District: 877 Glenthorne Loop / Central District

Tax Map Number(s) / Total acreage: 21-A-115 / 12.83 acres +/- total

Owner/Applicant Contact Information: Stephen & Suzanne Groves, 877 Glenthorne Loop, Nellysford, VA 22958, 540-903-2750, suzigroves@yahoo.com

Comments: This property currently contains an existing barn and infrastructure that is utilized for lavender farm activities, as well as up to (twelve) 12 Social Temporary Events per year, which are both by-right uses in the A-1 Agriculture District. At the time the structure was approved as farm-exempt, however was constructed by a company using an engineered building package to satisfy building codes. There are no physical expansions proposed with this application.

The narrative provided by the applicant details event operations on the property. As interest in their wedding venue business has grown, the applicants are requesting the SUP to expand operations and increase the potential for additional events.

An outdoor entertainment venue is defined as “the non-temporary use of any land, including the erection or use of non-temporary structure(s) or the installation of non-temporary infrastructure, for the hosting and operation of Category 1 and Category 2 Events, Exempt Events, or other entertainment activities for cultural, artistic, social or recreational purposes.”

Category 1 and Category 2 Events, Exempt Events such as Social Temporary are all permitted by-right in the A-1 Agriculture district without permanent facilities or infrastructure. The utilization of the existing barn and infrastructure to host such events, as well as the increased number of events, is what constitutes the Special Use Permit. “Exempt Events” are exempt from permitting requirements in *Article 24 – Temporary Events...*

DISCUSSION:

Land Use / Floodplain: This area is residential and agricultural in nature. Zoning in the vicinity is A-1 Agriculture. A portion of the property is located within a flood zone (Zone A), however only parking areas are located within this area.

Access / Traffic / Parking: This property is accessed by existing entrances Glenthorne Loop. Comments from VDOT indicate that the entrance used for public access will need to satisfy the requirements for a moderate volume commercial entrance, and recommended reducing the number of entrances. Parking requirements in the Zoning Ordinance indicate 1 space for each 100 square feet of area used for assembly is required for clubs, lodges, assembly halls and similar uses without fixed seats. With parking available for up to 196 vehicles, this is sufficient.

Utilities: There is existing septic and well on the property that serves the existing barn. Comments from the Health Department indicate that an engineer will be required to assess the capacity of the existing septic system to determine its adequacy for the proposed use.

Comprehensive Plan: This property is located in an area designated Rural and Farming on the Future Land Use Map, 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. Protection of usable farmland should be encouraged. Clustering of any new development in areas of a site without prime or productive soils will enhance the protection of prime or productive soils for future agricultural uses.”

Conditions: Should the Planning Commission recommend approval of SUP #986 for outdoor entertainment venue at Silver Fox Lavender Farm, staff would recommend considering conditions such as:

1. The maximum number of attendees at any event shall not exceed 150.
2. Amplified music and sound shall end at 10:30 p.m.

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

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate.
2. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property.
3. The proposed use shall be adequately served by essential public or private water and sewer facilities.
4. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance.

Attachments:
Application
Narrative
Site Plan
Zoning / Floodplain



PERMIT APPLICATION: Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: Special Use Permit # 986
application type *application number*

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

- Special Use Permit
- Rezoning from _____ to _____
- Conditional Rezoning from _____ to _____
- Other: _____
- Subdivision
- Site Plan – Minor
- Site Plan – Major

Reason(s) for request:
See Attached.

(Please use reverse or attach additional sheet if more space is needed.)

2. Applicant(s) and Property Owner(s):

(Please provide names of applicants and property owners and indicate applicable title; if applicant is not the property owner, please show relationship, i.e. lessee, contract purchaser, etc.)

Applicant Property Owner Name: Stephen and Suzanne Groves

Mailing Address: 877 Glenthorne Loop, Nellysford, VA 22958

Telephone #: 540-903-2750 Email Address: suzigroves@yahoo.com

Relationship (if applicable): Owner

Applicant Property Owner Name: N/A

Mailing Address:

Telephone #: Email Address:

Relationship (if applicable):

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)

3. Location and Characteristics of Subject Property:

a. Address of Property (specific location, route numbers, street names, voting district, etc.):
Silver Fox Lavender Farm, 877 Glenthorne Loop, Nellysford, VA 22958

b. Official tax map number: _____, Parcel Map No. 21-A-115

c. Acreage of property: 13

d. Present use: Lavender farm and event venue for up to 150 attendees.

e. Present zoning classification: A-1 Agriculture

f. Zoning classification of surrounding properties: A-1 Agriculture

4. 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: Steve Groves Printed Name: Steve Groves

Signature: Suzanne C. Groves Printed Name: Suzanne Groves

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)

5. Additional information: *(Please attach separate sheet for additional details, explanations, etc.)*

6. 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 (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

-----**TO BE COMPLETED BY PLANNING & ZONING STAFF**-----

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

- o Completed application and fee (\$ _____) received on _____
- o Hearing Notice published on _____
- o Planning Commission action: Date of Meeting / Hearing: _____
Recommendation: _____
- o Board of Supervisors action: Date of Hearing: _____ Date of Decision: _____
Action: _____

Nelson County Planning & Zoning Department

(Mailing Address) P.O. Box 558, Lovingson, Virginia 22949 | *(Physical Address)* 80 Front Street, Lovingson, Virginia 22949
(Telephone Number) 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | *(Fax Number)* 434 263-7086
<http://www.nelsoncounty-va.gov/departments/planning-zoning/>

Permit Application

Nelson County Department of Planning & Zoning

Applicant: Silver Fox Lavender Farm, (“Silver Fox”)

Special Use Permit/Reason(s) for Request:

The applicant seeks a Special Use Permit to be classified as an Outdoor Entertainment Venue. Currently, Silver Fox is allowed (12) events per year and the business has chosen weddings as events of choice to highlight the farm, natural landscape and scenic vistas. Silver Fox is a small business and pleased to report increased interest in wedding and non-wedding events. In addition to weddings, the business desires to offer smaller event options such family reunions, celebrations of life, company meetings and others. The size of our events will not increase from the current 150 maximum. Most current and future planned events are between 25 - 125 attendees. Since the size of our events does not change, we do not require property or facility expansion or renovation in any way and merely seek to accommodate growth in our business. Nelson County Noise Ordinances are currently enforced and not compromised due to this request. All events end at 10:30.

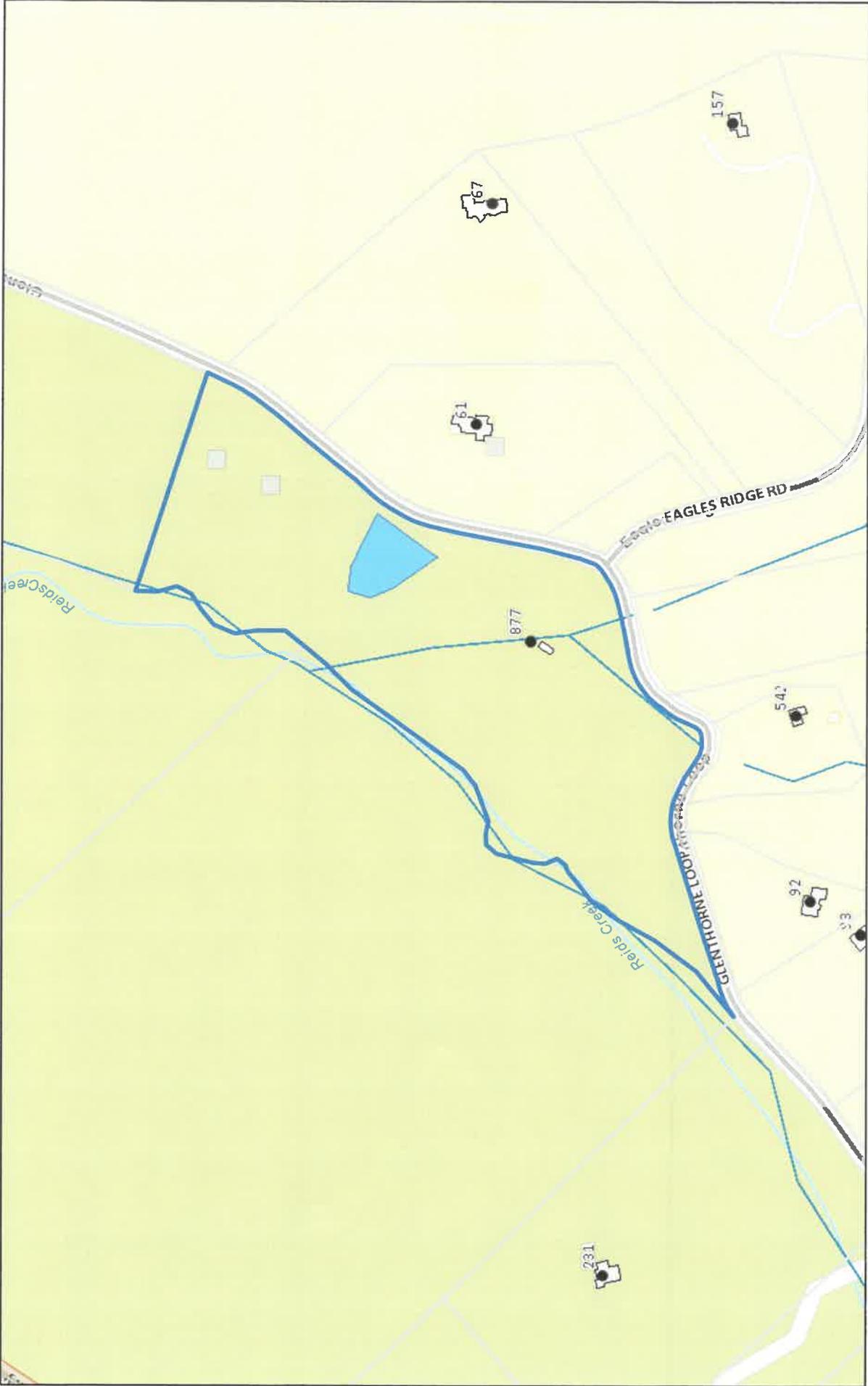
Additional clarifications and business procedures:

Parking: Silver Fox has three parking areas available as outlined on the minor site plan. Using a guide for each parking space being 9’ wide by 18’ deep, the three lots will accommodate 196 cars. This allows more than ample parking space given our max event size is 150. We use event parking directional signs at the entrance/exit areas of each lot and attendants guide guests to open spots. This ensures safety but also depending on event size, traffic can be directed in two different directions from Glenthorne Loop, each connecting at different sections of Route 151 to enhance traffic flow.

Catering: Silver Fox offers a full kitchen for event caterers to include ample counter space as well as two sinks with hot/cold water for clean-up and food prep. A full size refrigerator as well as double ovens are occasionally used. The ovens are most often used to warm up food previously prepared at the caterer’s location. The kitchen has a dedicated entry and exit door and only full service caterers are used thus clean up and trash removal is included.

Restrooms: Silver Fox has two bathrooms inside the venue, one ADA Compliant, and a porta john outside. If there are more than 100 guests, a trailer with at least two stalls is rented by the lessee.

Music: The music is either a DJ or a live band and ends at 10:30 p.m. Volume of music never exceeds noise ordinance levels and enforced. DJ’s or bands have a designated entrance and exit whether they perform inside or outside.



June 12, 2023

1:4,514
0 0.03 0.06 0.12 mi
0 0.05 0.1 0.19 km
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

National Flood Hazard Layer FIRMette



78°54'37"W 37°52'39"N



1:6,000

78°54'W 37°52'11"N

Basemap: IECC National Map, OrthoImagery. Data refreshed October 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE) Zone A, V, A199
 - With BFE or Depth Zone AE, AO, AH, VE, AR
 - Regulatory Floodway
- OTHER AREAS OF FLOOD HAZARD**
 - 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee. See Notes. Zone X
 - Area with Flood Risk due to Levee Zone D
- OTHER AREAS**
 - NO SCREEN
 - Area of Minimal Flood Hazard Zone X
 - Effective LOMRs
 - Area of Undetermined Flood Hazard Zone X
- GENERAL STRUCTURES**
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
- OTHER FEATURES**
 - Cross Sections with 1% Annual Chance Water Surface Elevation
 - Coastal Transect
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature
- MAP PANELS**
 - Digital Data Available
 - No Digital Data Available
 - Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

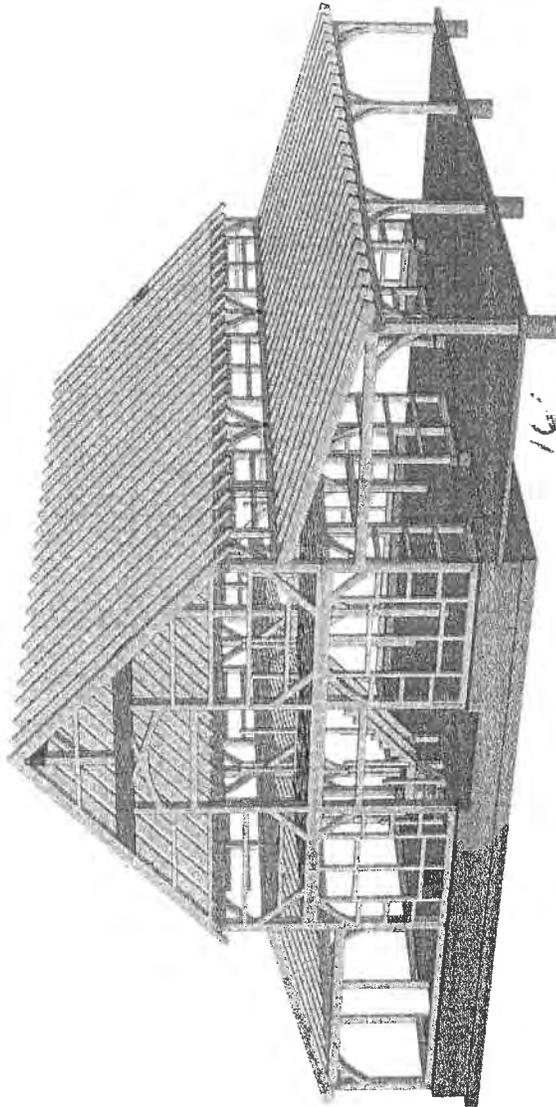
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/6/2023 at 6:03 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

CARRIAGE BARN KIT FOR:

STEVE AND SUZANNE GROVES

3096 GLEN VALLEY DR
CROZET, VA 22932



~~1440~~

30' x 48' POST & BEAM CARRIAGE BARN W/ (2) 16' LEAN-TO

REVISION DATE: 4/24/2019

REVISION #1

1440 + side = 1952 sq ft.

+ 16' porch = 768

(14' bleed) -> Total sf = 2720 sq ft.

height = 450 sq ft.

DESIGNED & FABRICATED BY:



DRAWING LIST

| COVER | TITLE SHEET & DESIGN DATA |
|---------|---------------------------|
| SHEET 1 | FOUNDATION PLAN |
| SHEET 2 | POST & BILL PLAN |
| SHEET 3 | FRAMING PLANS |
| SHEET 4 | FRAMING SECTIONS |
| SHEET 5 | FRAMING SECTIONS |
| SHEET 6 | NOTES & DETAILS |

THE BARN YARD

MANUFACTURING & DESIGN FACILITY

9 VILLAGE ST.

ELLINGTON, CT 06029

860.454.9103

SHOWCASE LOCATIONS

120 WEST RD. RTE. 6

ELLINGTON, CT 06029 BETHEL, CT 06801

860.896.0836 203.140.1433

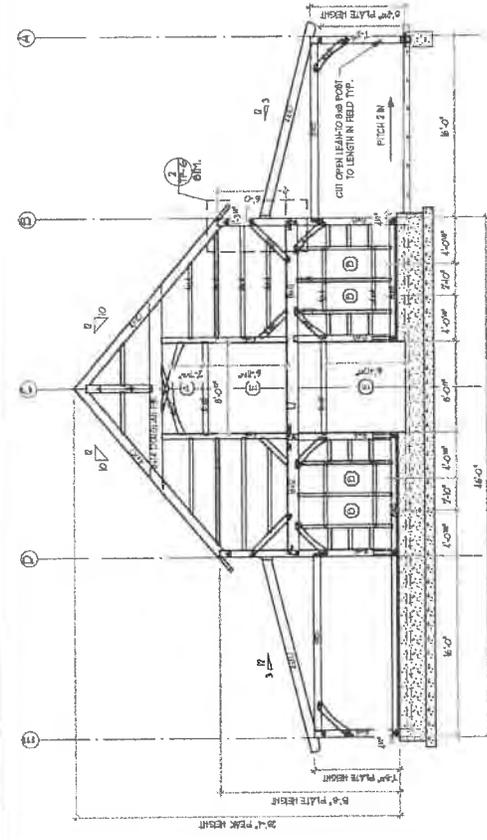
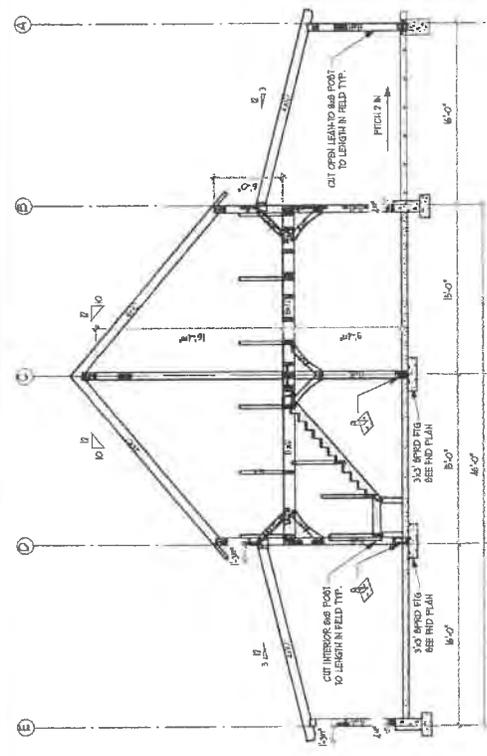
www.thebarnyard.com CT LICENSE # 999916 MA LICENSE # 121890

NOTE:
ELEVATIONS & RENDERINGS
ARE ARTISTS' CONCEPTIONS
COLOR AND OPTION STYLES
MAY DIFFER FROM ACTUAL
CONSTRUCTION.

PROJECT NO. 881

PRINT DATE: 04/24/2019

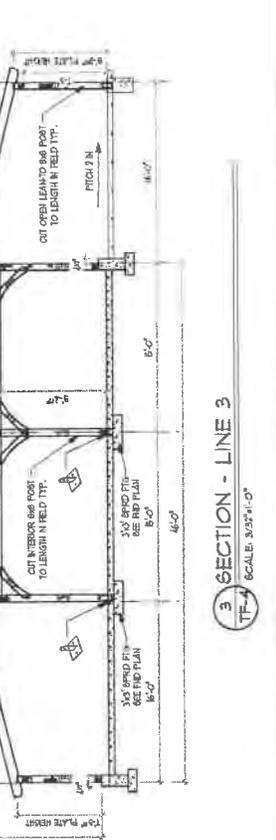
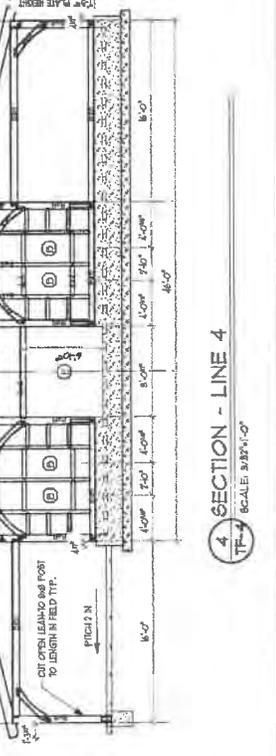
GENERAL NOTES:
 1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.
 2. ALL MATERIALS SHALL BE AS NOTED, UNLESS OTHERWISE NOTED.
 3. ALL ROOFING SHALL BE AS NOTED, UNLESS OTHERWISE NOTED.
 4. ALL FINISHES SHALL BE AS NOTED, UNLESS OTHERWISE NOTED.
 5. ALL ELECTRICAL SHALL BE AS NOTED, UNLESS OTHERWISE NOTED.
 6. ALL MECHANICAL SHALL BE AS NOTED, UNLESS OTHERWISE NOTED.
 7. ALL STRUCTURAL SHALL BE AS NOTED, UNLESS OTHERWISE NOTED.
 8. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC).
 9. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL CODE BOOK (IMC) AND THE INTERNATIONAL PLUMBING CODE BOOK (IPC).
 10. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND SAFETY CODE BOOK (IFSC) AND THE INTERNATIONAL FIRE AND SAFETY CODE BOOK (IFSC).



| ITEM | DESCRIPTION | QUANTITY | UNIT |
|------|-------------------|----------|------|
| (A) | 1 DOOR | 1 | EA |
| (B) | 2 DOORS | 2 | EA |
| (C) | 2 TRANSOM WINDOWS | 2 | EA |
| (D) | 2 DOORS | 2 | EA |
| (E) | 1 DOOR | 1 | EA |
| (F) | 1 DOOR | 1 | EA |
| (G) | 1 DOOR | 1 | EA |



FRAMING SECTIONS
 SHEET NO. 04-24-B
 DATE: 04-24-19
 DRAWN BY: JLB
 CHECKED BY: EJB
 PROJECT NO. 19-01
 456



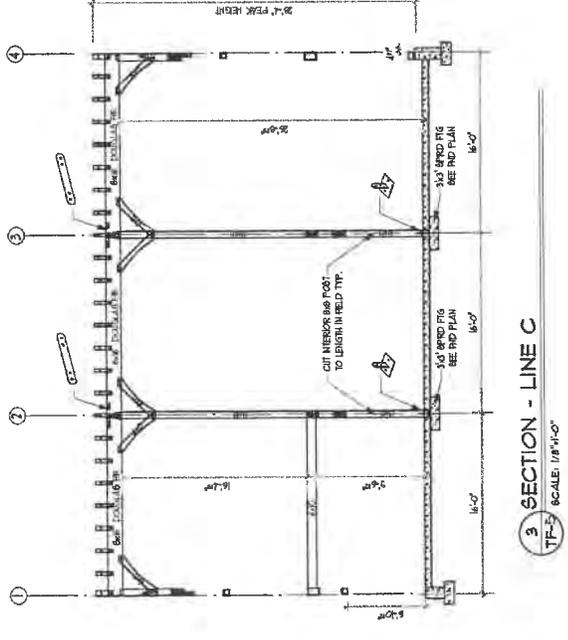
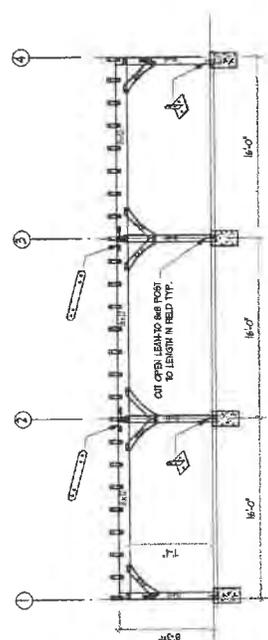
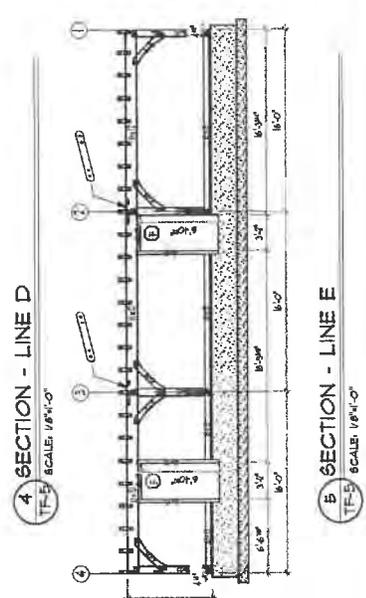
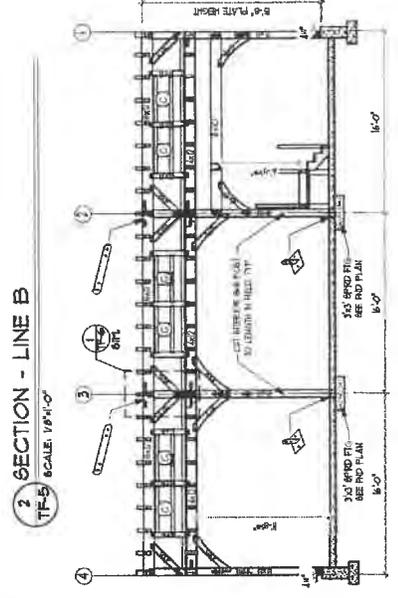
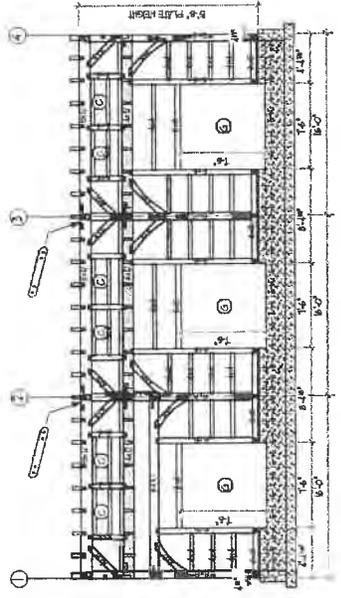
CARRIAGE BARN KIT FOR:
 3096 GLEN VALLEY DR
 CROZET, VA 22932

THE BARN YARD
 GREAT COUNTRY GARAGES
 THE BARN YARD
 3096 GLEN VALLEY DR
 CROZET, VA 22932
 (540) 442-1111
 www.barnyardgarages.com

GENERAL NOTES:
 1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.
 2. ALL MATERIALS SHALL BE AS NOTED, UNLESS OTHERWISE NOTED.
 3. ALL ROOFING SHALL BE AS NOTED, UNLESS OTHERWISE NOTED.
 4. ALL FINISHES SHALL BE AS NOTED, UNLESS OTHERWISE NOTED.
 5. ALL ELECTRICAL SHALL BE AS NOTED, UNLESS OTHERWISE NOTED.
 6. ALL MECHANICAL SHALL BE AS NOTED, UNLESS OTHERWISE NOTED.
 7. ALL STRUCTURAL SHALL BE AS NOTED, UNLESS OTHERWISE NOTED.
 8. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC).
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 10. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND SAFETY CODE BOOK (IFSC) AND THE INTERNATIONAL FIRE AND SAFETY CODE BOOK (IFSC).

FRAMING SECTIONS
 SHEET NO. 04-24-B
 DATE: 04-24-19
 DRAWN BY: JLB
 CHECKED BY: EJB
 PROJECT NO. 19-01
 456

GENERAL NOTES:
 1. THE BARN YARD CARRIAGE BARN IS TO BE BUILT TO MEET THE 2009 IRC.
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. ALL MATERIALS ARE TO BE APPROVED BY THE ARCHITECT.
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 10. ALL MATERIALS ARE TO BE APPROVED BY THE ARCHITECT.



FRAMING SECTIONS
 AS NOTED
 TF-5
 ELLIS
 4581

CARRIAGE BARN KIT FOR:
 STEVE AND BIZANNE GROVES
 30% GLEN VALLEY DR
 CROZET, VA 22932

No.

Store: Ellington

1-800-628-2276 | www.greatcountrygarages.com



Type: Draft Ready to Review
Date: 02-04-2019
Salesperson: Jerry Moscato

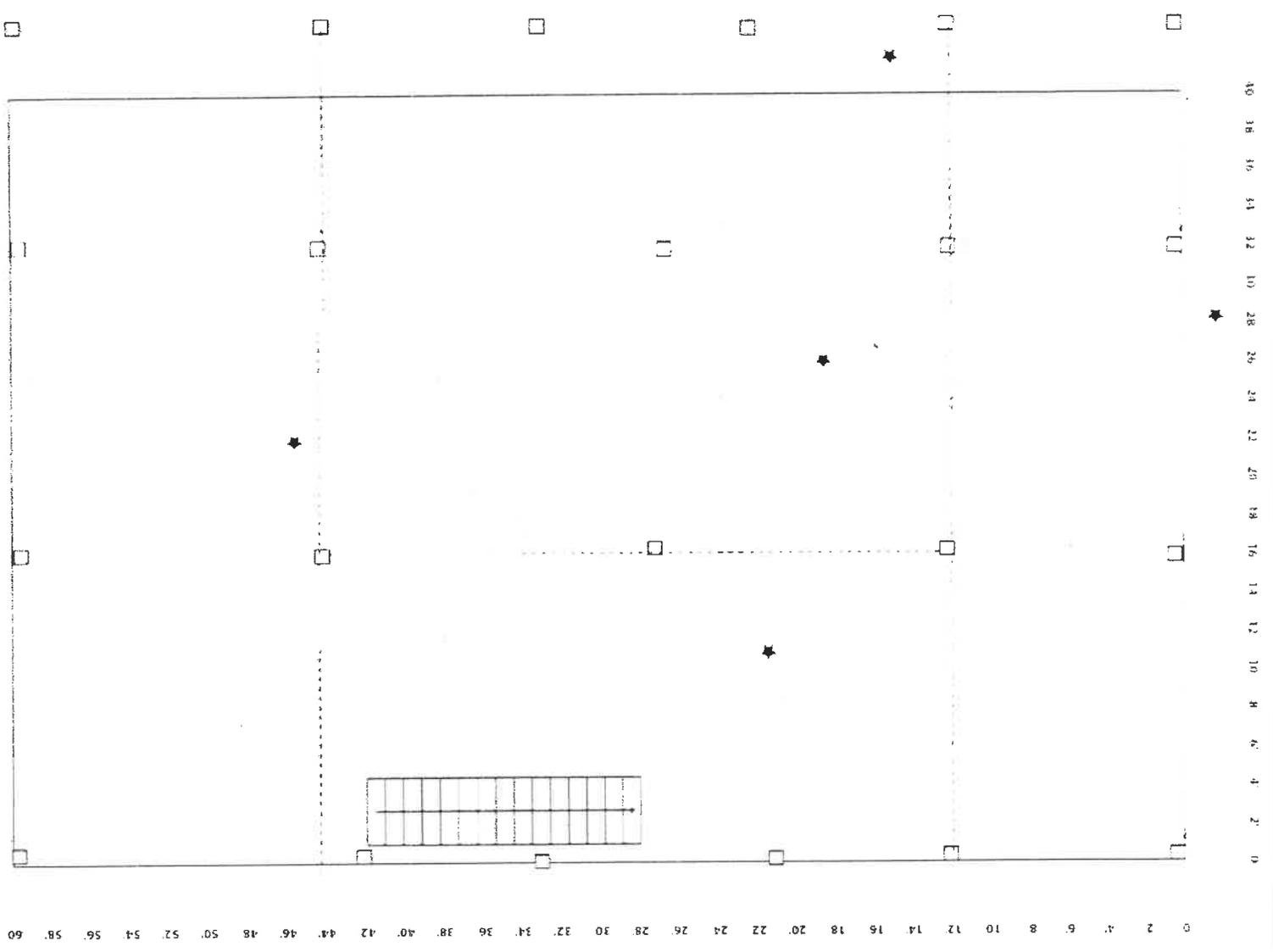
Steve and Suzanne Gravos
Source: Internet Search

3096 Glen Valley Dr
Crozet, VA 22932

(540) 903-2750

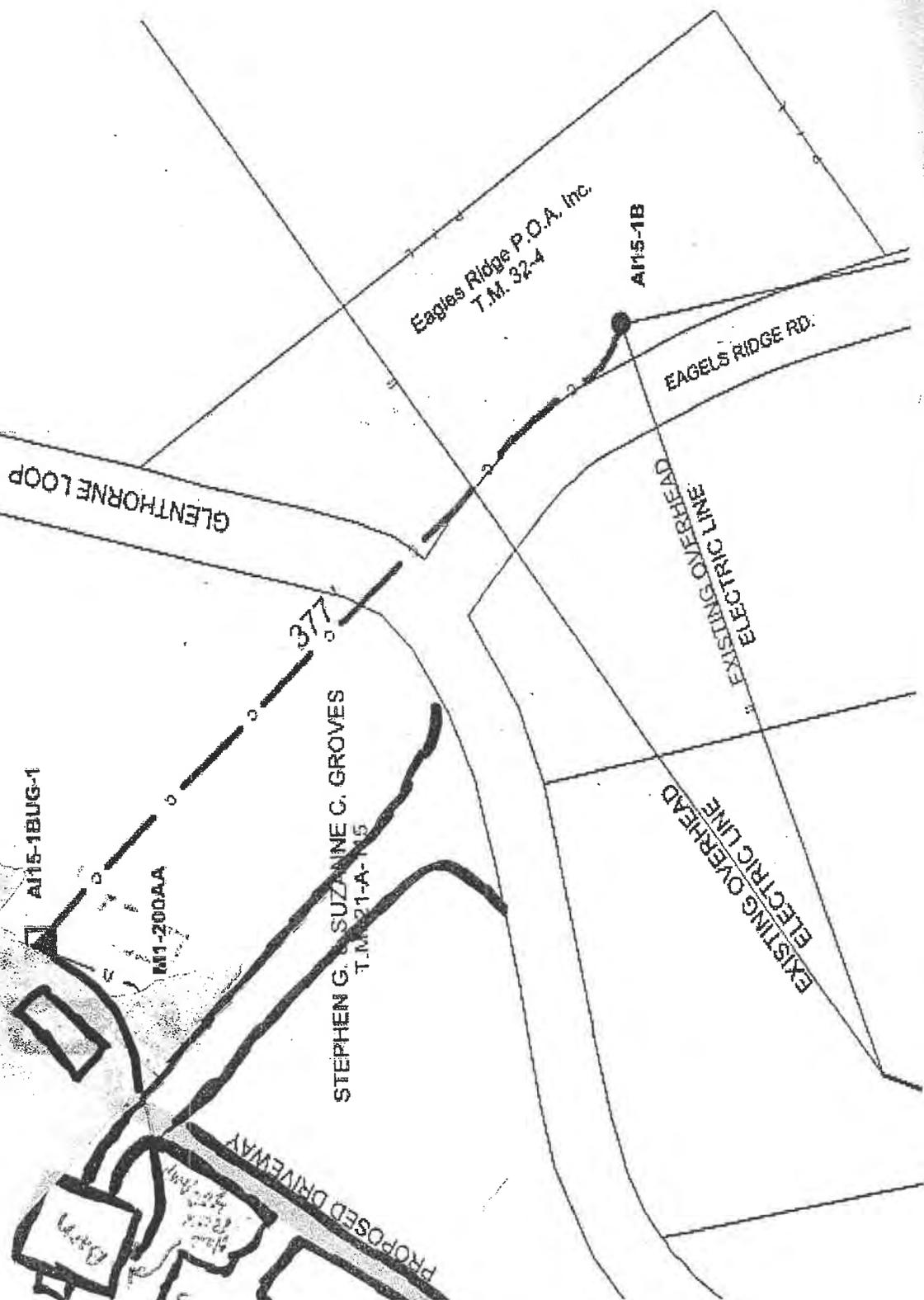
suzgravos@yahoo.com

Floor Plan



Need
400 AMP.
150' From Box To Bus

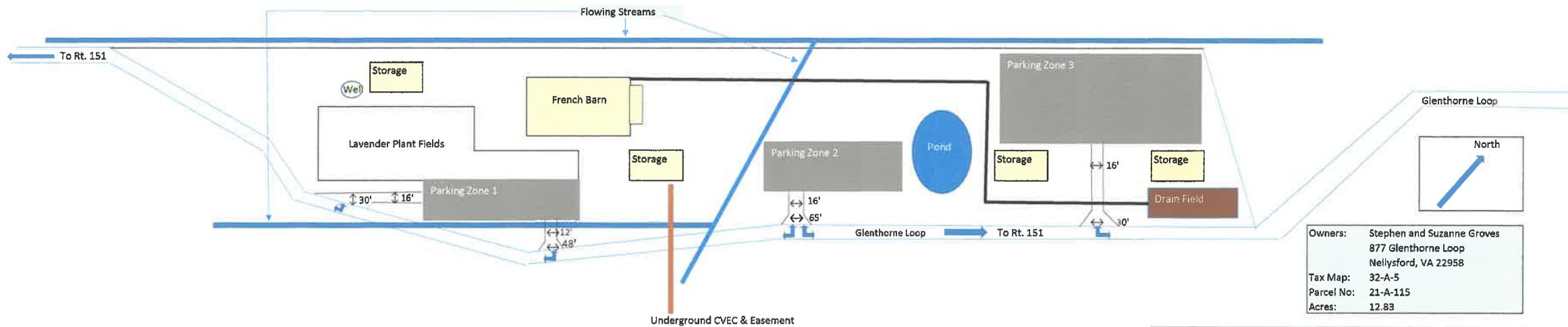
New
Site Plan



| Legend | |
|--------|---------------------------------|
| ● | Existing Pole |
| ○ | Proposed Pole |
| — | Proposed Overhead Electric Line |
| - - - | Existing Undergroud |
| - - - | Proposed Undergroud |
| - - - | Proposed GUY |
| ○ | Under Two Phase |
| ○ | Three Phase Ed |

Attendum to easement for:

Troala Baran

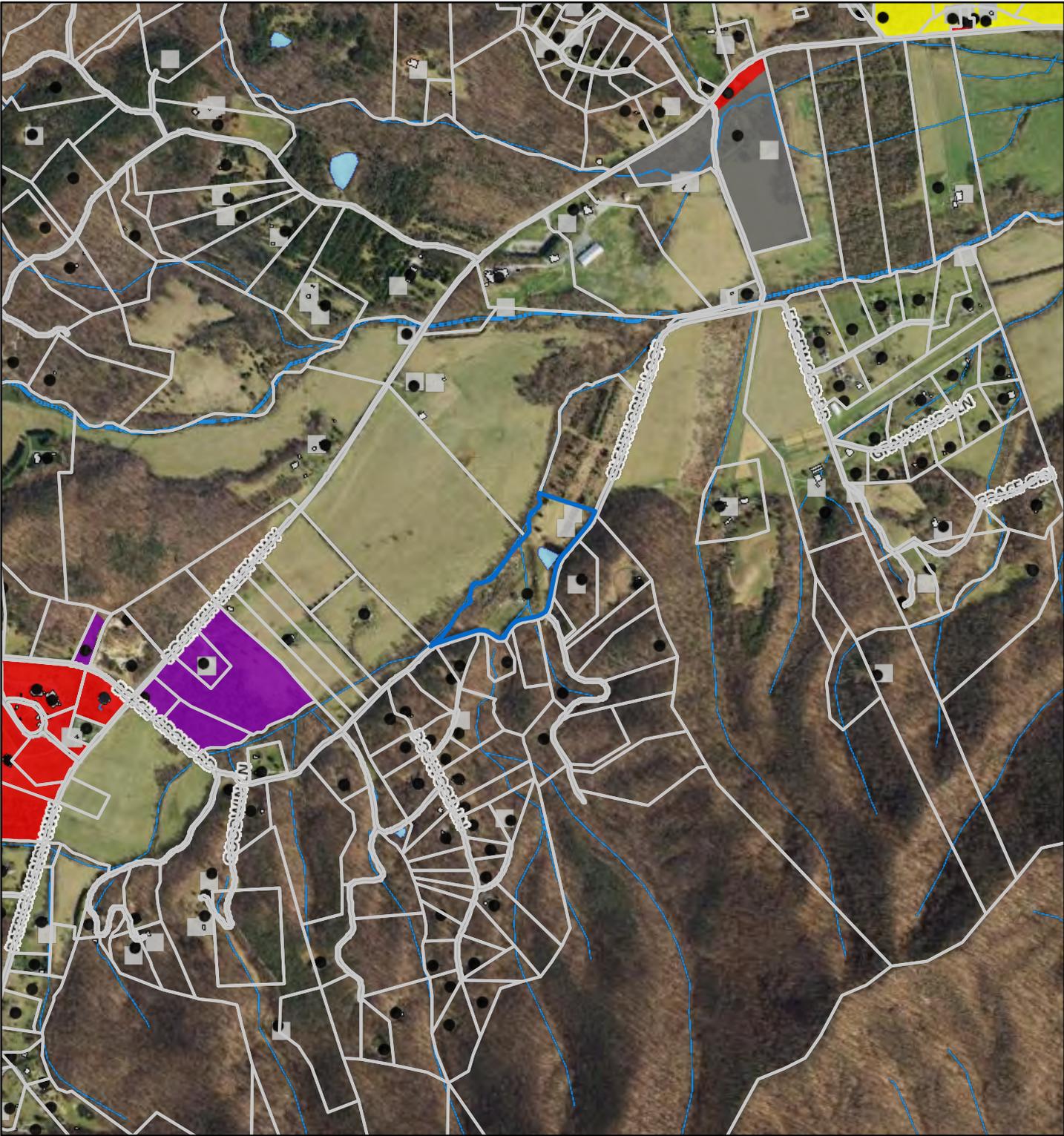


Owners: Stephen and Suzanne Groves
 877 Glenthorne Loop
 Nellysford, VA 22958
Tax Map: 32-A-5
Parcel No: 21-A-115
Acres: 12.83

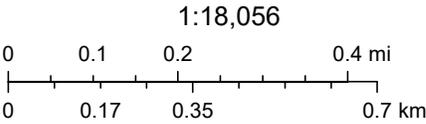
Notes:

1. All adjoining properties per Nelson County GIS are Zoned A-1 Agriculture.
2. Property lines follow Glenthorne Loop and Flowing Stream on the NW side of the property.
3. Parking capacity - calculated using parking spaces equal to 9' X 18'
 Parking Zone 1 = 46
 Parking Zone 2 = 75
 Parking Zone 3 = 75

Planning and Zoning Director: _____
 VA Dept of Transportation: _____
 VA Dept. of Health: _____



July 20, 2023





July 20, 2023

