

NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
August 26, 2015

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

Staff Present: Tim Padalino, Director of Planning & Zoning and Stormy Hopkins, Secretary

Call to Order: Chair Proulx called the meeting to order at 7:01 P. M. in the General District Courtroom, County Courthouse, Lovingson.

Approval of Minutes – June 24, 2015 and July 22, 2015: Chair Proulx asked if there were any corrections to the revised June 24th meeting minutes.

Chair Proulx noted the following changes:

Page 1, second paragraph (from bottom of page) – change approved to “by-right” last sentence.

Page 2, Commissioner Harman’s comments – 4th paragraph – change the and replace with “the Gaona’s” (last sentence).

Page 5 – Bylaws: change last sentence to read: Chair Proulx stated that this was the way it has been done in the past, but even if he or she chose not to vote they would be a part of the quorum.

Commissioner Harman made a motion that the June 24, 2015 minutes be approved as noted. Commissioner Goad provided a second; the vote 3-0, with Commissioners’ Russell and Allen, and Mr. Saunders abstaining.

Chair Proulx asked if there were any further corrections/changes to the revised July 22nd meeting minutes.

Chair Proulx noted the following changes:

Page 2 – motion regarding brewery and farm brewery, limited amendments – change to vote from 6-0 to “5-0”.

Page 5 – paragraph beginning with Mr. Kober – remove entire paragraph.

Page 6 – 2nd paragraph (first sentence) – change B-1 zoning to “Conditional B-1 zoning”. Same sentence – remove the word property.

Page 6 – Joe Lee McClellan – change second sentence to read as follows: “Stated this would benefit the community and believed he used to deliver posters for his father who had the theater”.

Page 7 – 2nd paragraph – change first sentence to read as follows: “Chair Proulx stated she appreciates that the applicant recognized the need for making this a conditional rezoning request, and thought the plans are consistent with the comp[rehensive] plan vision of Nellysford.”

Page 9 – 1st paragraph – listen to tape & clarify what was said.

Page 9 – 2nd paragraph – remove first sentence. Change look over to “check” (second sentence).

Commissioner Allen noted that on page 6 – 3rd paragraph change is to “it” (second sentence).

The Commissioners’ decided that the July 22nd minutes would not be approved at this time and would be added to the September meeting agenda.

The Commissioners³ discussed the procedures for reviewing and approving meeting minutes. This included discussion about how any changes/corrections should be made. Commissioners discussed the current process of editing the meeting minutes by email, and then having those suggested changes be reviewed and approved by the entire Planning Commission during the public meeting. It was decided this would be further discussed at the end of the meeting.

1. Consideration of Applications to Expand Existing Agricultural and Forestal Districts (AFD):

Mr. Padalino provided a brief summary of AFD application #2015-05, which was received on 5/26/2015, and which requests an addition to the existing 956-acre Davis Creek AFD. He also provided a brief summary of AFD application #2015-06, which was received on 6/1/2015, and which requests an addition to the existing 2,344-acre Greenfield AFD.

Mr. Padalino then presented the following information:

Both applications have previously been reviewed by the AFD Advisory Committee on 6/29/2015. The Planning Commission (PC) received the applications from the Advisory Committee with their recommendations for approval on 7/22/2015. The two applications will be reviewed by the PC tonight, inclusive of a public hearing, which allows the public to provide comments. After the hearing, the PC may vote on the applications and forward them to the Board of Supervisors (BOS) for their review and for them to conduct a public hearing as well.

Mr. Padalino further noted that the AFD application #2015-05, submitted by Mr. Michael Scelzi, includes a request for a 4-year review period, which is the minimum period permissible by County Code and by Code of Virginia. He explained that all other AFDs have been created with 5-year review periods; and that, furthermore, this application is a request to add to an existing AFD that already has a 5-year period that was previously established by the BOS. He stated that he believes the applicant's request for a 4-year review period is not valid and should not be considered by the PC.

Mr. Andy Wright, Chairman of the AFD Advisory Committee, approached the podium and stated that this particular addition would give some desirable infill to this existing AFD. He also noted that the committee hoped the infill pattern would continue, and that someday the two (2) main areas of the David Creek AFD converge.

Chair Proulx then opened a public hearing for AFD #2015-05 at 7:30 p.m. No comments were made and the public hearing was closed.

The issue of the 4-year review versus the 5-year review process was discussed, as well as what options the applicant would have at that point. It was determined that the Davis Creek AFD was established in 2003. Mr. Wright noted that the policy of the County to-date is to not hold a review unless one is requested. He further noted that the Davis Creek AFD as a whole would come up for review (2018) before the requested 4-year review period would, if somehow approved (2019). The withdrawal policy is that any applicant can withdraw their property from the application up until the BOS holds a public hearing.

Commissioner Russell made the following motion:

The Planning Commission has received a complete application #2015-05, dated May 26th, 2015 by Michael Scelzi to include his property, Tax Map #44-A-29B, consisting of 165.08 acres into the Davis Creek Agricultural and Forestal District. The Planning Commission having received a positive report from the Ag and Forestal District Advisory Committee and having held a public hearing on August

26th, 2015 recommends that the Board of Supervisors grant approval of this application with a five (5) year review period. Commissioner Allen provided a second; the vote 6-0.

Chair Proulx recused herself from the Greenfield AFD application #2015-06, due to the fact she has an interest in one of the parcels, and turned the meeting over to Commissioner Harman to conduct the public hearing for AFD #2015-06.

Commissioner Harman then opened the public hearing for AFD #2015-06 at 7:36 p.m.

Susan McSwain, Secretary for the AFD: Ms. McSwain stated that Ms. Burton has been appointed by the BOS to fill one of the vacancies on the AFD committee.

No other comments were given, the public hearing was closed at 7:38 p.m.

Commissioner Russell asked if there had been any response from Albemarle County regarding Mr. Padalino's letter concerning Mr. Childs' property. Mr. Padalino indicated there was none.

Commissioner Russell made the following motion:

On June 1st, 2015, the Planning Commission received an application #2015-06 from Joyce Burton to add five (5) properties for a total of 258.43 acres to the Greenfield Agricultural and Forestal District. The Planning Commission having received a positive report from the Ag and Forestal District Advisory Committee and having held a public hearing on August 26th, 2015 recommends that the Board of Supervisors grant approval of this application. Commissioner Allen provided a second; the vote 5-0, with Chair Proulx abstaining.

2. Special Use Permit #2015-05 – “Evans Cabins” / Bill & Becky Evans:

Mr. Padalino noted that this is a request for approval of a Special Use Permit (SUP) pursuant to Article 4, Section 1-25a of the Nelson County Zoning Ordinance. The completed application was received on June 25th, 2015. The applicants are seeking County approval “to construct six (6) overnight temporary-stay cabins and one (1) full-time residential house along with necessary utilities and access drives.” The applicant also submitted a project narrative of their proposed project which contains important application details. The applicants also submitted documentation that authorized Mr. David Collins, LS, PE to operate as their agent. Mr. Collins prepared the Minor Site Plan for this project.

Mr. Padalino further noted the subject property's location, characteristics, and other information. The property is located on the southern side of Beech Grove Road, in the West District. It is identified as Tax Map Parcel #31-A-39A; contains 4.99 acres and is zoned Agricultural (A-1).

Mr. Padalino noted that the Site Plan Review Committee meeting was held on July 8, 2015, and that detailed comments can be found in the Staff Report dated August 17, 2015. He noted that Minor Site Plans are required with all SUP applications; and, if approved, this project would require the subsequent submission and approval of a Major Site Plan before Building Permits could be obtained. However, he added that the applicants and Mr. Collins have put a lot of detail on to the submitted Minor Site Plan, and have worked to address a lot of the potential issues during this Minor Site Plan process.

Mr. Padalino then noted that, with respect to the evaluation criteria (Zoning Ordinance Article 12, Section 3-2), and with respect to the details of the “cabins” proposal as provided by the applicant, Staff recommends approval of SUP #2015-05.

Mr. Collins then spoke on behalf of the applicants. He stated that he is a Land Surveyor and Civil Engineer. He is working with the Evans² on this particular plan. They live in Virginia Beach and come to the area for visits. They want to build a home to live in; build and rent the six (6) cabins; and to retire here. He noted they are interested in trying to provide a place to stay for the people who come here to enjoy the entertainment that Nelson County has to offer.

Mr. Bill Evans then stated that they want to preserve as much of the property as possible. He added that **there** their concept includes the desire to provide an overnight lodging accommodation that would give an alternative to a condo. He stated that, *“we really brought our kids up, coming up to Douthat [State Park] and enjoying that area.”* Mr. Evans added that he and his family had previously lived in Radford and Blacksburg for eleven (11) years. *“It’s a part of our dream and where we want to go and we really would like to provide something that any of you could have family members come and stay at and feel good about.”*

Chair Proulx opened the public hearing at 7:50 p.m.; no comments were made, and the public hearing was closed.

The following questions were asked by the Commissioners:

1. When is a variance considered for the width of the road, and if that would be done during the Major Site Plan review? Mr. Padalino noted that this is a “required improvement” that must be addressed and resolved during the Major Site Plan review process.
2. What is the closest proximity to neighbors? Mr. Padalino noted that the cabins would be located in the wooded area toward the back of the property. The project narrative and the Minor Site Plan include project details that seem to demonstrate sensitivity towards neighbors, such as dark sky lighting and the preservation of good mature trees. Mr. Evans noted that they met with neighbors and talked about their plan; the neighbors were in agreeance with the proposal in leaving a vegetative barrier.

Commissioner Russell made a motion to recommend approval to the Board of Supervisors for Special Use Permit #2015-05 for Bill and Rebecca Evans whose property contains 4.99-acres; Tax Map #31-A-39A as shown on Minor Site Plan dated June 25, 2015. Commissioner Harman provided the second; the vote 5-0, with Mr. Saunders abstaining.

Other Agenda Items:

1. **Referral of amendments from BOS – Temporary Events, Festival Grounds, and Out-Of-Door Accessory Uses – R2015-68:**

Mr. Padalino noted that the proposed (now referred) amendments were created to help understand what events do not need permits; and to have a more sophisticated way of regulating the events that do require permits. The amendments would provide major changes, and they would be a separate article as opposed to being in the Agricultural District article. It would be called “Temporary Events” as opposed to “Special Events”. It would further emphasize that this is meant to be a “temporary” land use and not necessarily a permanent land use.

Mr. Padalino read the Statement of Intent from the Staff Report (which was shown on a slide). He pointed out that there are definitions for each of the Exempt Events. He noted that there would be three (3) Categories of Temporary Events (Category 1; Category 2; and Category 3), and discussed each of the categories in detail.

The Commissioner²s and Mr. Padalino discussed the following issues: If an event is held on two different parcels, would they need to get two (2) permits. The discussion led to the **preposition** proposal that one permit application inclusive of documented permission from all involved landowners would be sufficient. Mr. Padalino would check the legal aspects if a Special Use Permit (SUP) would be needed for multi-parcels and multi-landowners; if there could be a “co-applicant” category; and if it would be up to the landowner(s) or the vendor to obtain the proper permits. Mr. Padalino noted that he will get the County Attorney’s opinion on whether or not a SUP can be applied for by multiple parcels with multiple property owners.

It was determined that this item will be placed on the September agenda for further discussion. Commissioner Russell asked for Staff to get the County Attorney’s take on; what regulations (if any) can the County put on the Planned Unit Development.

2. Referral of amendments from BOS – Bed and Breakfast Uses – R2015-66:

Mr. Padalino noted that “bed and breakfasts” are a growing trend in the County and are an important part of the local economy, but it is a land use that is not defined in the Zoning Ordinance. It has been treated/interpreted as a “tourist home”, which is presently defined. **Specieally** Specifically, “tourist home/boarding house” are co-defined but are different in meaning. There needs to be a separate definition for “bed and breakfast” to provide clarity.

Mr. Padalino noted the following needs should be addressed:

- Identify any necessary changes to the proposed amendments (improved/modified).
- Identify how those redefined land uses would be regulated (permissible by-right; permissible by special use permit; or not permissible); being mindful of existing definitions.
- Identify any other types of lodging that we not addressed.

The Commissioners² discussed the need to add “recreational vehicle” to the definitions. A recommendation was made to change “semi-permanent lodging” to “semi-permanent residential use” for the Boardinghouse definition. The Commission discussed if “short-term lodging” needs to be specifically defined. There was also discussion about the possible need to distinguish between overnight lodging accommodations that are owner occupied and those that are not, and if this is feasible or enforceable. It was determined that this item will be placed on the September agenda for further discussion.

Revisit Meeting Minutes Procedures:

The Commissioners’ revisited this issue from earlier in the meeting, and the following was decided:

- it would be acceptable to use email communications among County staff and among all Commissioners to identify initial suggested edits, to include the use of “Reply All” so that all Commissioners can see all the suggested or requested edits;
- after sharing the initial suggestions or requests via email, the Commission can then discuss these in public during the meeting; and
- the PC would then officially determine if and how to approve the final draft meeting minutes during the public meeting.

Other Business:

Rockfish Valley Area Plan (RVAP): Mr. Padalino noted that the Virginia Department of Agriculture indicated that the Rockfish Valley Area Plan (RVAP) is a very good candidate for the Agriculture and Forestry Industries Development (AFID) Planning Grant. This program requires that the County provide a 50% match, but in speaking with the grant manager, the work and time that has been put into the project would account for half of that match. However, the County would still need to come up with about \$10,000. He plans to speak with Steve Carter, County Administrator, about these funds.

Atlantic Coast Pipeline Questionnaire: Mr. Padalino noted that the BOS asked Staff to begin preparing answers to the questionnaire.

Staff Updates:

- The “*Brewery*” language was adopted by the BOS.
- The “*Off-Farm Ag Retail Sales*” has been tabled until further review.
- The “Dance Hall / Gaona” was deferred; the day of the deferred date, the applicant asked for a deferral; now on the September 8th agenda.
- The Conditional Rezoning / Kober was not approved after a public hearing.
- Special Use Permits #2015-07, -08, -09 “Monarch Inn” is on the September Planning Commission’s agenda. Materials for these SUP applications and accompanying Minor Site Plan and project narrative packet were handed out at the end of the meeting to provide extra time for PC members to review the materials. Mr. Padalino noted that the project has gone through the Site Plan Review Committee meeting and the applicants are now working to address some items identified in the review comments. Mr. Saunders noted that this had been placed on the BOS agenda for 9/8 as an introduction to the project.

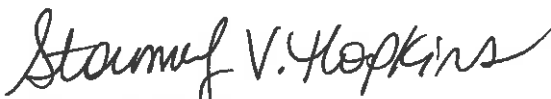
Board of Supervisors Report: Mr. Saunders noted that Mr. Padalino touched on the points that he was going to discuss. He added that the BOS Retreat has been scheduled (October 22nd).

The Commissioners² voiced their opinions for the need for the Planning Staff to have another full-time position for their department. Mr. Saunders noted that the BOS had discussed this and it was previously addressed, and that details of this issue could be found in the BOS budget meeting minutes. It was then noted that, in lieu of voting on a resolution regarding this issue, the PC members could individually contact their Supervisor to discuss this issue.

Adjournment:

At 9:12 P.M. Commissioner Allen made a motion to adjourn.

Respectfully submitted,



Stormy V. Hopkins
Secretary, Planning & Zoning