

**NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
March 25, 2015**

Present: Chair Philippa Proulx, Commissioners Linda Russell, Mike Harman, 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 7:00 P. M. in the General District Courtroom, County Courthouse, Lovington.

Chair Proulx stated there was one change in the agenda; noting that Major Site Plan #2015-02 for Mr. Michael Penny / Pennywell, LLC has been postponed at the applicant's request.

Approval of Minutes – February 25, 2015: Chair Proulx asked to postpone the approval of minutes until the next meeting; the Commission agreed.

- 1. Consideration of Applications to Expand Existing Davis Creek Agricultural and Forestal District**
- 2. Consideration of Applications to Expand Existing Dutch Creek Agricultural and Forestal District**
- 3. Consideration of Applications to Create New Greenfield Agricultural and Forestal District**

Chair Proulx noted that the Planning Commission would be hearing public input on each of the AFD²s on an individual basis.

Mr. Padalino stated that there are four (4) applications involving the county's AFD. He noted that three (3) of those are for proposed expansions to the Dutch Creek AFD and the Davis Creek AFD; and one (1) is for the proposed creation of a new Greenfield AFD. Mr. Padalino provided a brief overview of the process to date. He also provided brief background information on the "Purpose and Intent" of the AFD program. He noted that the Planning & Zoning Office has had several phone calls from adjoining property owners with concerns on how this would affect their property. Mr. Padalino provided information from the County Code that deals with those concerns.

Chair Proulx opened the public hearing for the Davis Creek AFD additions at 7:08 p.m. for comments; no comments were made. Chair Proulx closed the public hearing.

Chair Proulx opened the public hearing for the Dutch Creek AFD additions at 7:08 p.m. for comments; no comments were made. Chair Proulx closed the public hearing.

Chair Proulx opened the public hearing for the creation of the Greenfield AFD at 7:09 p.m. for comments.

Joyce Burton, Afton: Ms. Burton stated that the Rockfish Valley is a very special place. She noted that, "she is so proud of the dozens of neighbors all up and down more than a five (5) mile stretch of the Rockfish Valley; who also love this area; and who value its rural nature enough to be willing to voluntarily restrict the development on their land in order to preserve and protect the agricultural and forestal resources (clean air, water, and natural habitats) that sustain the things that make northern Nelson so special and precious. She also noted that, when Shannon Farm made the decision to start an AFD in the Greenfield area, they had no idea that so many of their neighbors would be interested in joining; would be interested in making such a clear statement about our vision for the future of this stretch of the Rockfish. She noted that they are proud to share the beauty of this area with the visitors that come down the 151 corridor, but at the same time they want to underscore the fact that what gives that corridor its scenic draw is the agri-forestal lands that surround it. Ms. Burton stated that as our County shapes

its vision for the Rockfish Valley, ~~we~~ she hopes ~~that~~ the presence of a vibrant and growing agricultural and forestal district will help keep this fact in the forefront of the planning process, especially as development pressure, residential, commercial, and yes, even industrial increases. Once built out, land cannot be reclaimed for agriculture, for forest, for habitat, for watershed protection, for air quality improvement, or for scenic values; just ask the folks in Madison Heights about that. She noted that one of the unexpected joys of coordinating this project has been the opportunity to get to know many neighbors that she had never spoken with before. Ms. Burton also shared her hope that the presence of the Greenfield AFD will not only to help strengthen the common conservation vision in the Rockfish Valley but also the sense of community and connection with one another. Ms. Burton concluded by asking the PC to please support their efforts and vote to recommend the approval of the AFD.”

Chair Proulx asked for other comments on the Greenfield addition.

Andre Deredyn: Mr. Deredyn wanted to make sure the Planning Commissioner knew about the second Davis Creek addition. Chair Proulx acknowledged that the Planning Commission was aware of it.

Chair Proulx asked if there were any further comments; none were given; the public hearing was closed at 7:11 p.m.

Commissioner Russell indicated that she had a question regarding page 5 - number 7 – item b of the Staff Report. She asked if that was a correct statement. Mr. Padalino stated that was excerpted from the County Code, taken from the Municode website. Chair Proulx indicated that she thought the public notice requirement was intended to be conducted prior to the public hearing; Commissioner Harman agreed. Commissioner Russell noted that if this is correct, it should be changed. Mr. Padalino noted that the AFD Advisory Committee has been working with County Administration and the Board of Supervisors (BOS) to introduce amendments to the County Code, and if there are procedural issues, those can be addressed during that process.

Commissioner Russell indicated that she does not have any issues with any of the applications. She also noted that she depends upon the AFD Advisory Committee judgement. Chair Proulx stated that the PC needs to make individual motions of recommendation.

Commissioner Russell made a motion that the Planning Commission recommend approval of an additional 216.89 acres to the existing Davis Creek AFD, as shown on the map on page 7 of the 3-18-15 staff report. Commissioner Harman provided a second; the vote 5-1 with Supervisor Saunders abstaining.

Commissioner Russell made a motion that the Planning Commission recommend approval of an additional 11.4 acres to the existing Davis Creek AFD, as shown on the map on page 7 of the March 18, 2015 staff report. Commissioner Harman provided a second; the vote 5-1 with Supervisor Saunders abstaining.

Commissioner Russell made a motion that the Planning Commission recommend approval of an additional 746.74 acres to the Dutch Creek AFD, as shown on the map on page 8 of the March 18, 2015 staff report. Commissioner Harman provided a second; the vote 5-1 with Supervisor Saunders abstaining.

Commissioner Russell stated that the final application is for the creation of a new district. The AFD Advisory Committee has met, evaluated the creation of the new district, and recommends approval. The Planning Commission concurs with the committee findings and therefore, recommends approval of the new Greenfield AFD, consisting of 2,343.7 acres, as shown on the map on page 9 of the March 18, 2015 staff report. Commissioner Allen provided a second; the vote 5-1 with Supervisor Saunders abstaining.

Other Agenda Items:

1. Minor Site Plan #2015-03 – Living Word Christian Fellowship:

Mr. Padalino stated that Mr. Scott Collins, Trustee of the Living Word Christian Fellowship, submitted an application on February 26th. This application seeks approval to construct a 5,000 SF church, which is a permissible by-right use pursuant to Article 4-1-4 of the Zoning Ordinance. The subject property is located in Piney River, in the West District. It is a 33.74-acre property zoned almost entirely Agricultural (A-1), with a very small portion of the property being zoned Residential (R-2). It is further identified as Tax Map Parcel #64-5-5. Mr. Padalino also noted that the property is currently undeveloped, and is primarily characterized as an open field that has recently been logged and replanted with pines. Mr. Padalino also noted that Mr. Massie Saunders of Saunders' Surveys prepared a Minor Site Plan, dated January 21st. He indicated that the Site Plan included in the PC packets is dated March 16th and includes significant revisions.

Mr. Padalino noted that the applicant has submitted a preliminary building plan, which would include a 2,000 SF auditorium for assembly, as well as a classroom, kitchen, office, nursery, and restrooms. The church would be constructed as a one-story structure (approximately 22' tall). Sheet 3 of the revised site plan shows the proposed site layout. There is a total disturbed area of 1.0 acres; minimal grading would be required due to the virtually flat topography. The facility would be served by a new commercial entrance onto Lowesville Road (approximately 0.15 miles from the nearest intersection, which is Firehouse Road). The site plan depicts a gravel parking lot containing 48 total parking spaces (four of which would be handicap accessible), which exceeds the minimum required number of 20 parking spaces (as determined by the 2,000 SF floor area of the assembly room / auditorium).

Mr. Padalino noted that Sheet 4 of the revised site plan contains the proposed lighting plan and landscape plan. The parking lot would be lit by 4 pole lights approximately 20.5' tall, with "sharp cutoff fixtures to control light distribution on the site." When the packets went out, it was noted that 3 of the 4 pole lights would be set to a timer, with the lights coming on at night only when the church is in use. The 4th pole light (located farthest from the road and from adjoining properties) would be set to automatically turn on from dusk to dawn. The site plan shows a total of 5 "wall pack" light fixtures – 2 at the main door and 1 at each of the three additional doors. All 5 of these wall-mounted light fixtures would be programmed to be on from dusk to dawn.

Mr. Padalino indicated that Mr. Saunders has notified him that there are updated lighting details, which includes revised details about lighting fixtures as well as the number and location of each type. Mr. Saunders provided those to Commissioners prior to the start of the meeting.

Mr. Padalino summarized the Site Plan Review Committee Members' comments; those comments are as follows:

- Mr. Jeff Kessler of Virginia Department of Transportation (VDOT) did not identify any major issues with the site plan drawings. He had a couple of requests regarding the lat/long data for the exact location of the entrance, so that it can be entered into GIS.
- Ms. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District reviews the Erosion & Sediment (E&S) Control Plan. She was in attendance at the meeting but did not provide written review comments. Mr. Padalino noted that there were some questions that were raised by Ms. Sappington, but directed those to the applicant to provide an update on the current status of the E&S Control Plan.
- The Service Authority was in attendance and did not have any issues or concerns with the proposed project. They simply needed to configure a few details with the applicant.
- Mr. David Thompson, Nelson County Building Official, did not attend the meeting but provided some written review comments; reminding the applicants that a land disturbing activity permit, building permit, and CO would be required.

Mr. Padalino noted that he wanted to draw attention to some of the proposed signage. He showed examples of some signs that were provided by the applicant, which are representative of proposed signage that would be used.

These included signage on the church facade facing Lowesville Road; and signage that may be installed closer to the road. He noted that the proposed location of the sign is identified on the site plan.

Mr. Padalino noted that the site plan drawings have been revised extensively in response to the site plan review committee comments; ~~includes additional landscaping and screening materials; and include updated details regarding lighting~~ including additional landscaping and screening materials and lighting details. He finds these helpful clarifications to the questions that were posed at the March 11th Site Plan Review Committee meeting. He also noted that the remaining questions have to do with the E&S Control Plan; the current status of that is unclear.

Mr. Massie Saunders, Engineer of the Minor Site Plan: Mr. Saunders noted that there are two (2) Wallpacks that have been added to the front of the building. For further clarification, he noted that on Page 3 of the drawings, there are four (4) lights out in the parking lot; the two (2) additional lights were added to the building to get light on to the handicap spaces and the front row of parking. Mr. Saunders referenced Page 4 to show what the potential Wallpacks would look like that would be mounted at each of the doors around the building. He also referenced the handout that showed the lights that would be mounted on the poles. He also noted that all the lights would be directed downward so that no light escapes the site. Mr. Saunders referenced Page 1, which shows the illumination schedule and indicated that the perimeter of the parking lot is 0.1 to 0.2 lumens. He indicated that the lighting company suggested adding more lights to better illuminate the front two corners where the sidewalks are. He stated that he knows if more lights are added, they would need to come back to Mr. Padalino for approval.

Chair Proulx asked if the lights would only be on when the building was in use. Mr. Saunders indicated that there is one (1) pole light that is a dusk to dawn light; and the door lights would be dusk to dawn lights as well.

Commissioner Russell asked if the parking lot would be done in phases. Mr. Saunders indicated that they plan to do it all at once. Chair Proulx asked about the E&S Control Plan. Mr. Saunders indicated that he talked with Ms. Alyson Sappington and the question is whether or not the plan has to go to DEQ and DCR for further review ~~to meet the 2014 compliance~~ to comply with 2014 requirements. He further noted that if Ms. Sappington determines that the E&S measures that are proposed are not sufficient to handle the flow that comes off the parking lot, the plan will in fact have to go to DEQ and DCR. Mr. Saunders indicated that they are in the process of making submittals to both DEQ and DCR.

Commissioner Russell stated that with the additional materials submitted by Mr. Saunders, she does not have a problem with the plan. However, she did state that a few years ago, the PC had established a policy that it would not approve Site Plans, unless they had written assurance from Ms. Alyson Sappington, that the E&S Plan that was submitted was sufficient. It is her understanding that no assurance has been given. Mr. Padalino stated that he does not have an update.

Todd Peck, Pastor of Living Word Christian Fellowship: Pastor Peck stated that they want to comply with all the regulations as required by law. He also indicated that after this Sunday, they are homeless. He further stated that the Nelson Center has been gracious enough to allow them temporary stay until this particular project is completed. He also inquired if anything can take place for them to have some kind of assurance that they are on a successful schedule for approval. He noted that the Nelson Center is under the impression that they will use their space until around August. He also noted that there are about seventy-five (75) people on average that meet weekly that consider our church their church home. He stated that they want to be a blessing to the community, and they are hoping this new construction will allow them to do more things to benefit the community.

Chair Proulx wanted to clarify with Mr. Saunders that he has submitted an E&S Plan to Alyson Sappington. Mr. Saunders stated that he has talked with Ms. Sappington, and has given her some preliminary ideas and plan. He also noted that he has not submitted a formal plan because they are still trying to work through the DEQ information. He also indicated that Ms. Sappington is in contact with DEQ.

Joe Lee McClellan: Mr. McClellan stated that he has been landlord of Living Word Christian Church for over five (5) years. He indicated that he sold the property almost a year ago and since that time, they have had a new

landlord. He noted that it has been a pleasure to work with them. They are an asset to the community and encourages the PC to do whatever they can to help them.

Commissioner Russell made a motion that, on the application for Living Word Christian Fellowship Church, to be located on Rt. 778 Lowesville Road in Piney River; Tax Map #64-5-5; consisting of 33.74 acres: the Planning Commission approves the Minor Site Plan as submitted, revised March 16, 2015; consisting of five (5) pages and a supplemental photometric and lighting package submitted at the meeting on the 25th of March, contingent on E&S and DEQ approval. If there are any major changes to the Site Plan approved tonight, the Director of Planning & Zoning will make a final decision as to whether it should be resubmitted to the PC for approval. Commissioner Allen provided a second; the vote 6-0.

2. Proposed (draft) Amendments for “Off-Farm Retail Sales” (Wayside Stands and Farmers Markets):

Mr. Padalino provided an overview of the draft language for the possible amendments to the Zoning Ordinance; as defined in the Staff Report dated March 18, 2015.

Mr. Padalino stated that he thought it would be best to remove the existing Article 2: Definitions for Wayside Stand, roadside stand, wayside market; and replace those with the following definitions: Wayside Stand, Class A; and Wayside Stand, Class B. Mr. Padalino noted that he felt having a “Wayside Stand” definition would be the best way to deal with the fact that all Wayside Stands are intended to be non-permanent or temporary land uses, and limited to operations during the daylight hours only, regardless of whether it is Class A or Class B. He also recommended an additional definition for each class of Wayside Stand, with different criteria for each. He stated that he tried to include something that would capture whether or not it would be on a back road that happens to be next to a busy road; in doing so, he put in an eighth of a mile or 660 feet, as a way to trigger this as a Class B. The PC discussed this, and generally agreed that 660 feet was a good distance.

Mr. Padalino stated that he introduced a new definition for a Farmers Market. Commissioner Goad asked if this definition would prevent a flea market type scenario. Chair Proulx stated there was a separate definition for a flea market. Mr. Padalino noted that at the end of the definition, there is a clause that would try to prevent things being made available for resale at a Farmers Market.

Mr. Padalino noted that he recommended leaving Wayside Stand in Section 4-11-2 under “Administrative Approvals”; removing the word Wayside Stands and replacing that with Wayside Stand, Class A, providing that the following operational details are reviewed for safety and appropriateness.

Mr. Padalino noted that he feels a sketch site plan is sufficient and that it does not have to be done by an engineer or surveyor, if it’s drawn to scale and has the pertinent details. Supervisor Saunders questioned if a sketch site plan has to be “drawn to scale.” He said that he does not believe it needs to be to scale, if the distance and dimensions are clearly listed. Mr. Padalino indicated that it does not need to be drawn to scale, and that the language could be changed. After further discussion, the Commission recommended the following revision:

- (v) sketch site plan, **including the locations and dimensions of the following: ~~drawn to scale, showing (at minimum)~~ the property boundaries, proposed location of wayside stand equipment and/or facility(s), proposed signage, and proposed layout and provisions for safe vehicular access and parking; and**

Commissioner Russell asked for clarification regarding “recommendation for approval.” Mr. Padalino explained that VDOT does not actually “approve” local zoning permits of any kind, and that it refers to VDOT’s review comments that a project is acceptable with regards to safe use of the public road system. Commissioner Russell than asked a question regarding the definition of Wayside Stand, noting it states, “temporary (non-permanent) land use” but, then require them to tell us the duration of operations; what is temporary, the style of building or the operation. Mr. Padalino said “temporary (non-permanent)” refers to the use and operation. After further discussion, the Commission recommended the following revision:

“Any use of land, vehicle, equipment, or facility that is used for the off-site sale of agricultural or horticultural products or merchandise which are produced on an agricultural operation owned or controlled by the seller or the seller’s family. Wayside stands are a temporary (non-permanent) land use. The operation of wayside stands is limited to daylight hours only.”

Commissioner Goad asked how long would be the permit last, once a permit is issued. Mr. Padalino said that was a very good question. The issue was discussed; and decided that the following should be added as a condition to the conditions: annual renewal – no fee or site plan required unless layout or configuration is modified.

Commissioner Russell asked if Wayside Stands have to abide by setbacks. She added that these are not called a building or structures, which are defined in the ordinance; and these are not permanent. She thinks that those three (3) things, they do not have to abide by the setbacks. Mr. Padalino said that if it is a permanent structure, they would have to meet the setback regulations. He added that he thinks there should be something added that the stands must be outside of the VDOT right-of-way. He feels that is the only setback that is critical for a Class A.

Mr. Padalino said performance standards need to be added to the proposed criteria for Class A. With regards to Wayside Stand, Class B, those would be dealt with on an individual basis; which would require a Special Use Permit and Minor Site Plan, including review by the PC and the BOS. Commissioner Russell stated that she personally doesn’t like the idea of the BOS having to review Class B Wayside Stand permit applications, and would like to limit them to a PC review.

Chair Proulx stated that she feels the Farmers Market should be a Special Use Permit (SUP) and go before the BOS but not the Wayside Stand, Class B. She said she is unsure of the legality of having a public hearing end with the PC. Mr. Padalino said that when talking with Mr. Payne, some concern was expressed about creating a new type of review procedure outside of the established SUP process. He noted that that the PC can’t authorize zoning approvals, unless it is expressly provided by the BOS. He said that it was Mr. Payne’s recommendation to use the SUP process that’s in place. Chair Proulx then stated that she would rather have Wayside Stand, Class B, as a SUP instead of being in the same category as a Wayside Stand, Class A.

Commissioner Russell stated that going back to the Farmers Market definition; is it considered temporary. If not, her concern is in the business district, there are no front yard setback requirement. Chair Proulx said that conditions could be put on a SUP.

Commissioner Harman wanted to get clarification on the Farmers Market definition regarding the “resale of second-hand products”; meaning someone can’t buy something and resell it. Mr. Padalino said yes. Chair Proulx said “resale” should be changed to “sale”. Mr. Padalino said he would rework that definition.

Chair Proulx said that specific requirements are needed for Wayside Stand, Class A. She asked that Mr. Padalino draft a proposal of those requirements and the PC will review those.

Other (as determined by Planning Commission members / as applicable):

1. Zenith Quest: Mr. Padalino said that there were four (4) conditions placed upon the Zenith Quest’s approval. Those conditions included obtaining all state agency approvals: E&S Control Plan approved, a week ago today; VDOT approved on the 12th; DEQ approved the Stormwater Management Plan on the 11th. All state agencies are satisfied, completing 1 condition. He then drew attention to the three (3) County conditions. The first of those is that the roof and siding had to be non-reflective and blend with the surrounding area; and Zenith Quest will go with either Cool Desert Beige or Cool Desert Wheat for the walls. For the roof, they will go with a painted roof in Cool Emerald Green, which will not be reflective. Those materials satisfy the pertinent condition. Separately, the revised landscaping plan was accepted on March 4th, satisfying the applicable condition. Finally, the remaining condition is in regards to access on Family Lane for emergency purposes. Mr. Padalino then drew attention to materials submitted by Tommy Harvey, chief of the Rockfish Valley Volunteer Fire Department and Rescue Squad.

Commissioner Allen made a motion that the Planning Commission accept the emails dated on Friday, March 20, 2015 from Tommy Harvey to Stormy Hopkins and from Tim Padalino to Stormy Hopkins dated Monday, March 23, 2015 in support of the Zenith Quest intersection at Family Lane. Commissioner Goad provided the second; the vote 4—2 5 - 1 in favor with ~~Chair Proulx and~~ Commissioner Russell voting against the motion.

2. Stormwater Management Program: Mr. Padalino stated that the statewide Virginia Stormwater Management Program (VSMP) requirements need to be incorporated into the Zoning Ordinance and Subdivision Ordinance. The BOS made a referral of proposed amendments to account for the state requirement.

Commissioner Goad made a motion that the Planning Commission ask Staff to advertise for legal notice the changes the BOS Resolution R2015-20 approved March 10, 2015 for public hearing at the April 22, 2105 meeting. Commissioner Allen provided the second; the vote 5 – 1 in favor with Commissioner Russell voting against the motion.

Mr. Padalino provided a few updates on the following applications that are pending:

- Farms wanting to be used as festival grounds – currently, there is no provision in the ordinance for such land use. Mr. Padalino is meeting with the County Administrator and County Attorney later this week, regarding these types of interests.
- To date, there has been no response from Mr. William Karnes regarding his deferred Wayside Stand Permit.
- There is a Class III tower permit that is pending from Ms. Cheryl Taylor, of Velocitel, for an AT&T tower in Afton. Ms. Taylor has a contract for the lease area with a landowner.
- The “Blue Ridge Bowl” Special Event Permit (SEP) review process is mostly complete, and they have approvals from the necessary regulatory and law enforcement agencies. The County needs to receive the \$25.00 application fee in order to approve the SEP. Mr. Padalino also noted that he needs to make sure the Sheriff’s Office and the VA State Police conditions for traffic are properly satisfied.

Commissioner Russell asked if the PC needs to take action on Mr. Karnes’ Wayside Permit application since it was deferred, pending the hearing of Kim Page’s SUP request. Mr. Padalino said he believes there should be. After further discussion, the PC decided that a review of Mr. Karnes’ deferred application would be added to the April meeting agenda, and that a certified letter shall be sent to Mr. Karnes to notify him.

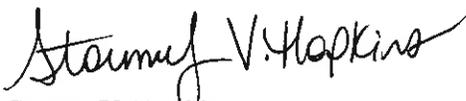
Chair Proulx stated that Commissioner Harman had asked about the possibility of having Supervisor Saunders do a BOS report at the meetings. Supervisor Saunders provided the following:

- The pipeline.
- The BOS is meeting every week over the next 6-8 weeks to discuss the annual County budget.
- The proposed definition for Artists’ Community has been published for a public hearing by the BOS.
- There are plans to remodel the old courtroom; Judge Gamble has been working with the County on a nice concept.

Adjournment:

At 9:05 P.M. Commissioner Allen motioned to adjourn.

Respectfully submitted,



Stormy V. Hopkins
Secretary, Planning & Zoning