

MINUTES
PAGE COUNTY PLANNING COMMISSION
April 13, 2021

DUE TO THE COVID-19 PANDEMIC, IN PERSON ATTENDANCE IS LIMITED TO 10 PEOPLE. THIS MEETING
WAS ACCESSIBLE VIA YOUTUBE.

Members Present

Catherine Grech, District 1	Donnie Middleton, District 2
Steve Atkins, District 2	Jared Burner, Chairman, District 3
Keith Weakley, Vice Chairman, District 3	James Holsinger, District 4
Gary Huffman, District 4	William Turner, Secretary, District 5

Members Absent

None

Staff Present

Tracy Clatterbuck	Kelly Butler
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Call to Order

Chairman Burner called the April 13, 2021 Page County Planning Commission Regular Meeting to order in the Board of Supervisors Room located at the Page County Government Center, 103 S Court Street, Luray, Virginia at 7:00 p.m. The call to order was followed by *The Pledge of Allegiance* and a *Moment of Silence*. Chairman Burner reminded all commissioners and speakers to please turn on and/or speak into the microphones.

Adoption of Agenda

Mr. Turner made a motion to accept the agenda as presented. The motion was seconded by Mr. Huffman. The motion passed unanimously 8-0.

Public Hearing

A. Michael W. Painter – Special Use Permit Application

Ms. Clatterbuck presented the following staff report:

Michael W. Painter has filed an application for a SUP (special use permit) to operate a banquet/event facility located south on River Road, 0.25 miles from US Hwy BSN 340 W, on the right, Stanley, VA. The parcel is identified by tax map number 70-A-117 (*containing 203.78 acres*). The property is currently zoned as Agriculture (A-1). The property is improved with an existing barn and other numerous accessory structures. The applicant is proposing to use the existing 48x96 barn and designated parking area as part of the banquet/event facility.

Pursuant to § 125-10 D. (16) of the Page County Zoning Ordinance, banquet facilities and event facilities require a SUP.

Virginia Department of Transportation (VDOT) – Per Jeff Nicely with VDOT, "VDOT has no issues with the proposed use once a new entrance is constructed. The existing entrance at this site does not meet the minimum sight distance standards. VDOT has located a location for a new moderate volume commercial entrance at the property approximately 570' south of Rt. 340. A VDOT Land Use Permit will be required to construct the new entrance. VDOT will work with the owners engineer to approve the design of the new entrance. At the time of events, no parking or signage is allowed on the VDOT Right of Way." Staff recommends that we make the requirements for VDOT as a condition of the SUP, and give the applicant six months to complete the work (from the date of approval of the SUP).

Health Department- Per Herbert Cormier with the Health Department, "This Health Department has reviewed the request for comments for a Special Use Permit to operate a proposed Event Center for hosting wedding venues & river weddings.... This Health Department has no objections to the issuance of the Special Use Permit. Based upon information provide by an OSE (On-site Soil Evaluator), the existing well is registered with the Office of Drinking Water (ODW). Prior to issuance of an Operation Permit for the sewage disposal system, additional supporting documentation must be provided to this Health Department demonstrating how the sewage disposal system is capable of serving the sewage disposal needs to the Event Center...." The applicant is currently working with Gerald Dovel (On-site Soil Evaluator) along with the local Health Department on obtaining the required health permits. Staff recommends that we make approval of the well and septic permits as a condition of the SUP, and give the applicant six months to complete the work (from the date of approval of the SUP).

Building Official- Per James Campbell, Page County Building Official, the applicant was required to obtain a structural inspection and load rating report on the existing barn by a licensed engineer. He contracted with Racey Engineering to complete the study. A copy of the report has been provided in your packet. Per Racey Engineering, "the building was found to be suitable to support 200-person occupancy". This report has been reviewed and accepted by Mr. Campbell. Building permits will be required for any code related items.

Adjoining and adjacent property owners were notified as required by the Code of Virginia. Three comments were received from adjoining property owners. None had objections.

The project site falls within the "Agricultural Protection Tier" and into the designation of "Farmland of Statewide Importance". Regarding the Page County Comprehensive Plan, according to Volume 1, Section 2.2 of the Comp Plan, "*the purpose of the Agricultural Protection Tier is to protect agricultural uses and preserve the rural lifestyle and sense of community that has long defined Page County. This tier is intended primarily for very low-density residential development, large lot rural development and agricultural uses. Non-residential uses would serve the needs of residents in the surrounding rural areas and generally be limited to agriculture-related businesses.*" Chapter 3, Goal 3, Section 3.22 states, "*Encourage and support the development and retention of agriculturally-related businesses as a valued element of the Page County economy.*" Chapter 3, Goal 6, Section 6.2 states, "*Encourage economic growth that is compatible with the County's rural character while generating a positive net cash flow for the County.*" With consideration to the designation, by TLC, who named Luray/Page County the #2 of 10 beautiful destination wedding locales, Page County has done well in the industry and continues to build momentum and attract tourists.

Approval of this application could result in new revenue to the towns and county, to include but not limited to: license tax, retail sales, meals and lodging, and increased real estate.

Staff requested that the Page County Planning Commission recommend approval of Michael Painter's special use permit request to operate a banquet/event facility with the attached conditions on the above-described property.

Chairman Burner opened the public comment portion of the public hearing.

Michael Painter- Mr. Painter clarified that the part of the property being used would only be about 10-12 acres located near the barn.

With no other speakers signed up for comment, Chairman Burner closed the public comment portion of the public hearing.

Chairman Burner addressed item #4 on the conditions "...4. THIS SPECIAL USE PERMIT IS FOR

USE OF THE PORTION OF THE PROPERTY THAT IS ALONG THE RIVER." Mr. Holsinger stated that we should be careful to be neither prohibitive nor too permissive in the wording surrounding this condition. Mrs. Grech added that we should be more precise in the language, rather than saying 10-12 acres, say 12 acres that is along the river and around the barn. Ms. Clatterbuck cautioned the commission to not be so prohibitive in the wording that would trigger the applicant to have to apply for another SUP for minor changes. Mr. Weakley suggested that his preference would be to indicate the SUP be for the part of the property located between River Road and the Shenandoah River.

Chairman Burner requested a motion to recommend approval of the special use permit request with the change to condition #4 to state "...4. THIS SPECIAL USE PERMIT IS FOR THE USE OF THE PORTION OF THE PROPERTY BETWEEN RIVER RD AND THE SHENANDOAH RIVER." Mr. Holsinger made a motion. The motion was seconded by Mr. Weakley. The motion passed unanimously 8-0.

B. David Nealis – Special Use Permit Application

Ms. Clatterbuck presented the following staff report:

David Nealis has filed an application for a SUP to operate a home occupation for a detailing shop in an existing accessory structure located at 161 Brady Road, Stanley, VA. The parcel is identified by tax map number 72-A-26, contains 3.384 acres, and is currently zoned as Agriculture (A-1). The property is improved with a single-family dwelling and numerous accessory buildings. This SUP would allow the applicant to operate a detailing shop that would include the cleaning of vehicles, audio upgrades, and window tint services from the primary residence. The proposed business would be conducted out of an existing 23x39 garage on the property. Pursuant to § 125-15 B.(1)(e) of the Page County Zoning Ordinance, home occupations in an accessory building require a special use permit.

Virginia Department of Transportation (VDOT) – Per Jeff Nicely with VDOT, "proposed use will have no impact to the VDOT ROW."

Health Department- Per Herbert Cormier with the Health Department, "...This Health Department has no objections to the operation of the proposed car detailing business on this property..."

Building Official- Per James Campbell, Page County Building Official, "I have no issue with existing garage being used for business."

Adjoining and adjacent property owners were notified as required by the Code of Virginia. No comments were received in response to the notices.

Chapter 3, Goal 6, Section 6.2 of the Page County Comprehensive Plan states, "Encourage economic growth that is compatible with the County's rural character while generating a positive net cash flow for the county." Due to the low impact, the proposed business would not change the character of the property.

The applicant will be required to maintain a Page County business license which will result in additional tax revenue for Page County.

Staff recommended that the Page County Planning Commission recommend approval of David Nealis' special use permit request to operate a home occupation for a detailing shop with the attached conditions on the above-described property.

No speakers were signed up for the public comment portion of the public hearing. No discussion was had in regards to the request. Chairman Burner requested a motion to recommend approval of the special use

permit request. Mr. Turner made a motion. Motion was seconded by Mr. Middleton. The motion passed unanimously 8-0.

Citizen Comments on Agenda Items

None

New Business

A. Annita Foltz – Special Use Permit Application Introduction

Ms. Clatterbuck presented the following staff report:

Annita Foltz has filed an application for a SUP to operate a dog breeding business located at 522 Riverbend Road, Stanley, VA. The parcel is identified by tax map number 69-A-106, contains .606 acres, and is currently zoned as Agriculture (A-1). The property is improved with a single-family dwelling, detached garage, and two dog kennels (8x10 & 10x12). The applicant also owns tax map number 69-A-106A, containing .075 acres, also zoned as Agriculture (A-1) which adjoins the above listed parcel. Pursuant to § 125-4 of the Page County Zoning Ordinance, Pet Grooming, Boarding and Breeding, is defined as: "A commercial facility where a pet animal may be cleaned, styled or have its appearance maintained, that cares for or houses pet animals in the absence of the owner, or that engages in the vocation of mating carefully selected specimens of the same breed to reproduce specific, consistently replicable qualities and characteristics." Under § 125-10.D(13) of the Page County Zoning Ordinance, Veterinarian clinics, pet grooming, boarding and breeding of animals is only permitted by special use permit.

Virginia Department of Transportation (VDOT) – Per James Craun with VDOT, "this proposed use should not have any adverse effect to the VDOT right of way."

Health Department- Per Herbert Cormier with the Health Department, "...This Health Department has no objections to the operation of a proposed dog breeding operation...."

Building Official- Per James Campbell, Page County Building Official, "no objection."

This property falls within the "Agricultural Protection Tier" and into the designation of "Prime Farmland". Chapter 3, Goal 6, Section 6.2 of the comprehensive plan states, "Encourage economic growth that is compatible with the County's rural character while generating a positive net cash flow for the county." Due to the low impact, the proposed business would not change the character of the property.

The applicant will be required to maintain a Page County business license which will result in additional tax revenue for Page County.

Staff recommended that the Page County Planning Commission hold a public hearing on this special use permit application at the May 11, 2021 Regular Meeting, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia § 15.2-2204.

There was no discussion had regarding this special use permit request introduction. Chairman Burner requested a motion to hold a public hearing on this special use permit application at the May 11, 2021 Regular Meeting. Mr. Holsinger made a motion. Mr. Weakley seconded the motion. The motion passed unanimously 8-0.

B. Approval of Minutes – March 23, 2021

Chairman Burner stated if there was no discussion or changes requested to the minutes, he requested a motion to approve the March 23, 2021 minutes. Mr. Turner made a motion to approve the minutes. Mr. Huffman seconded the motion. The motion passed unanimously 8-0.

Unfinished Business

A. Suneel & Renu Kapur – Rezoning Requests Update

Mrs. Clatterbuck stated Mr. David Reed would be updating the commission on his client's rezoning request. Mr. Reed stated that there is now a signed agreement between the Kapurs and the Egypt Bend Lot Owner's Association. This is a private agreement between the Kapurs and the EBLOA. Tax map number 30A2-A-1A, the 16.25-acre parcel, is no longer owned by the Kapurs. It has recently been sold. They are requesting that be removed from the rezoning request. The applicant and the EBLOA, in an effort to deal with their well lot and their concerns, have made an agreement that if the Kapurs subdivide their property through a Class A or Class B subdivision that the remaining lot on the west-side of Kibler Dr. will not be subdivided into more than three (3) parcels total. And any tract from that parent tract would have frontage on Kibler Dr. Additionally, any new well or septic installed on that parcel or a subdivision from it would maintain a 150-foot setback from the wellhead belonging to the EBLOA. In addition, the portion of the parcel where the residence is located between Kibler Dr. and the EBLOA well lot is going to be sold to EBLOA to expand their well lot should they need to expand or whatnot. These terms are enforceable by the EBLOA or the Kapurs and any subsequent land owners, as they are permanent restrictions. In exchange for this agreement, EBLOA is not objecting to the Kapurs rezoning request. Mr. Reed requested that tax map number 30A2-A-1A be removed from the rezoning request and that the commission move forward with the approval of the rezoning request as modified.

Mr. Reed provided further clarification to the commission about what lots are included with the rezoning request. Mr. Holsinger asked if Ms. Clatterbuck was satisfied with the agreement. Ms. Clatterbuck stated that the agreement is a positive outcome, but it didn't have any bearing on the Kapur's request. Mr. Weakley stated that now he feels that there is virtually no opposition to the request. Mrs. Grech asked what were the comments that were initially made regarding this request from adjoining property owners. Ms. Clatterbuck stated that the River View Estates Lot Owners had commented that they objected because of lack of clarity on the intent with the property. They further stated there should be no access to River View Dr or Bathhouse Ln. Mr. Reed has confirmed that fact. Another property owner had concerns about the historical preservation of the farmhouse and the land surrounding it. The rest of the concerns were related to the well lot.

Chairman Burner requested a motion to remove the rezoning request from the table. Mr. Weakley made a motion to remove the motion with all parcels originally requested as part of the rezoning request from the table. Mr. Huffman seconded the motion. The motion passed unanimously 8-0.

Chairman Burner requested a motion to amend the rezoning request to remove tax map number 30A2-A-1A from the rezoning request. Mr. Holsinger moved that the commission modify the rezoning request to remove tax map number 30A2-A-1A as it is no longer owned by the applicant. Mr. Weakley seconded the motion. The motion passed unanimously 8-0.

Chairman Burner asked if there was any further discussion on the modified rezoning request. With no further discussion, Mr. Holsinger made a motion to recommend approval of the rezoning request and pass it on to the Board of Supervisors. Mr. Weakley seconded the motion. The motion passed unanimously 8-0.

B. Follow-up/Review Draft of Zoning Ordinance

Ms. Clatterbuck stated that there is new material that has been provided by the Berkley Group. We will be meeting on Thursday April 15, 2021 at 7:00 pm to discuss the new material. The material has been cut in

half because the Board has agreed to add a meeting on to the schedule bumping everything else forward one month. Chairman Burner stated that when the entire zoning ordinance is presented to the commission, the planning commission will do their due diligence to review it for the best interest to the citizens of Page County.

Open Citizen Comment Period

Susan Corbett- Ms. Corbett expressed her support for Michael Painter's special use permit request. This citizen also pointed out that there is a very loud industrial business that makes shavings for chicken houses. They don't seem to respect regular hours of operation. Chairman Burner stated that there is a special use permit for this property. He directed her to speak with staff regarding her concerns.

Chairman's Report

None

Clerk's Report

None

Adjourn

Chairman Burner requested a motion to adjourn the meeting. Mr. Weakley made a motion to adjourn. Mr. Huffman seconded the motion. The meeting was adjourned at 7:53.



Chairman, Jared Burner



Vice Chairman, Keith Weakley