

MINUTES
PAGE COUNTY PLANNING COMMISSION
January 22, 2019

Members Present

Bernie Miller, District 1
Steve Atkins, District 2
Jared Burner, District 3
Jonathan Comer, Chairman, District 5

Paul Otto, District 1
Keith Weakley, Vice Chairman, District 3
Duane Painter, District 4

Members Absent

James Holsinger, Secretary, District 4
Craig Lancto, (Term has expired) District 5

Donnie Middleton (Term has expired), District 2

Staff Present

Tracy Clatterbuck

Call to Order

Chairman Comer called the January 22, 2019 Page County Planning Commission Work Session 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*.

Adoption of Agenda

Mr. Otto made a motion to strike him from giving the Solar Ordinance Sub-Committee report and requested Ms. Clatterbuck give the update instead. The motion was seconded by Mr. Miller. The motion passed unanimously.

Public Hearing

None

New Business

A. Shawnee Farms, LLC Special Use Permit

Ms. Clatterbuck presented the following report:

Shawnee Farms, LLC has filed an application for a SUP to operate an event facility located at 2816 Old Forge Road, Luray, VA. The parcel is identified by tax map number 31-A-70, contains 82.85 acres, and is currently zoned as Agriculture (A-1). The property is improved with a farmhouse, a large barn, and other numerous accessory structures. The farmhouse is currently approved and licensed as a short-term tourist rental. The applicant is proposing to use the existing barn and associated areas as an event facility. The barn contains approximately 5,896 square feet. The associated areas include a structure to the north or in front of the barn, where a portion will be used for restrooms and dressing rooms, and open areas adjacent or near the barn which will be used for parking. Pursuant to § 125-10 D. (16) of the Page County Zoning Ordinance, banquet facilities and event facilities require a SUP.

Per David Atwood with VDOT, the entrance serving the event facility is required to be a moderate volume commercial entrance. This entrance has been permitted by VDOT but has yet to be paved, which is a requirement of a moderate volume commercial entrance. VDOT has no objection to using the entrance in its temporary gravel state with the understanding that it must be paved within ONE (1) year of SUP approval. Per Gerald Dovel with the Health Department, they have no issues with the proposal. Permits will be required for proper sewage disposal and possible water system upgrades. Per Don Williams, Building Official, the barn is allowed a total occupancy of 240 persons (First level: 140

persons and Second level: 100 persons) at one time. He further noted that permits are required for any code related enhancements.

Regarding the Page County Comprehensive Plan, this property falls within the "Agricultural Protection Tier". 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." Low intensity employment centers may be permitted if access is adequate and the use is compatible with surrounding uses. Also, 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." Lastly, Chapter 3, Goal 6, Section 6.7 states, "Encourage the attraction of new business activities that enhance existing industrial and commercial activities in the county, particularly active farming and forestry operations."

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.

Staff is requesting that the Page County Planning Commission hold a public hearing on this SUP application at the February 26, 2019 work session, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia 15.2-2204.

The following draft conditions were presented to the commission for review and consideration:

1. THIS SPECIAL USE PERMIT IS TRANSFERABLE, IT WILL MEET THE REQUIREMENTS IN AND HAVE PRIVILEGES PROVIDED FOR IN THE PAGE COUNTY ZONING ORDINANCE, AND ANY ORDINANCE AMENDMENTS FOR THE PERIOD SET FORTH WITHIN THE PARAMETERS IN THIS SPECIAL USE PERMIT. THE SPECIAL USE PERMIT SHALL REMAIN WITH THE PROPERTY FOR A PERIOD OF FIFTY (50) YEARS.
2. SHAWNEE FARMS, LLC, OR ITS SUCCESSOR AND/OR ASSIGNS, SHALL BE IN COMPLIANCE WITH ALL COUNTY ORDINANCES, THE UNIFORM STATEWIDE BUILDING CODE, AND ALL STATE AGENCY REGULATIONS.
3. THE BUSINESS SHALL APPLY FOR AND MAINTAIN A VALID PAGE COUNTY BUSINESS LICENSE.
4. THIS SPECIAL USE PERMIT IS ONLY FOR THE USE OF THE EXISTING BARN AND A STRUCTURE TO THE NORTH OR IN FRONT OF THE BARN, WHERE A PORTION WILL BE USED FOR RESTROOMS AND DRESSING ROOMS. IN THE FUTURE, SHOULD THE APPLICANT DESIRE TO USE THE EXISTING FARMHOUSE TO HOLD EVENTS, AN ADDITIONAL, NEW, OR MODIFIED SPECIAL USE PERMIT AS REQUIRED BY THE PAGE COUNTY ZONING ORDINANCE AT THAT TIME, WILL BE REQUIRED.
5. PER THE PAGE COUNTY BUILDING OFFICIAL, NO ONE EVENT SHALL EXCEED A TOTAL OF 240 PERSONS IN THE BARN (FIRST LEVEL: 140 PERSONS AND SECOND LEVEL: 100

- PERSONS).
6. ANY OUTDOOR FIRES ON THE PROPERTY SHALL BE ENCLOSED BY A FIRE RING. ALL FIRE RINGS SHALL BE ENCLOSED BY A NON-FLAMMABLE MATERIAL AT LEAST 8" IN HEIGHT.
 7. ANY LIGHTING THAT IS PROVIDED ON THE PROPERTY WILL BE DIRECTED DOWNWARDS, SO AS NOT TO PRODUCE A GLARE ONTO ADJOINING PROPERTIES OR ROADS.
 8. THIS SPECIAL USE PERMIT MAY BE REVOKED UPON MATERIAL NONCOMPLIANCE WITH THE TERMS OF THE PERMIT, OR UPON VIOLATION OF ANY OTHER RELEVANT TERMS OF THE ZONING ORDINANCE OR ANY OTHER ORDINANCES OF THE COUNTY OF PAGE, VIRGINIA. HOWEVER, PRIOR TO THE COMMENCEMENT OF ANY ACTION TO REVOKE THIS PERMIT, THE COUNTY SHALL NOTIFY THE PERMIT HOLDER IN WRITING OF THE MATERIAL IN NONCOMPLIANCE OR VIOLATION, AND THE PERMIT HOLDER SHALL HAVE THIRTY (30) DAYS THEREAFTER TO CURE THE MATERIAL NON-COMPLIANCE OR VIOLATION. THE NOTICE SHALL BE DEEMED GIVEN WHEN HAND DELIVERED TO THE PERMIT HOLDER OR WHEN MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE PERMIT HOLDER.
 9. ANY CHANGE OF USE OR EXPANSION NOT INCLUDED IN THIS SPECIAL USE PERMIT WILL REQUIRE AN ADDITIONAL, NEW, OR MODIFIED SPECIAL USE PERMIT AS REQUIRED BY THE PAGE COUNTY ZONING ORDINANCE AT THAT TIME.
 10. THE ZONING ADMINISTRATOR OR THEIR DESIGNATED REPRESENTATIVE MAY VISIT THE SITE AT ANY TIME TO ENSURE COMPLIANCE WITH THE SPECIAL USE PERMIT.
 11. PER VDOT REQUIREMENTS PROVIDED TO THE APPLICANT, THE ENTRANCE SERVING THE EVENT FACILITY IS REQUIRED TO BE A MODERATE VOLUME COMMERCIAL ENTRANCE. THIS ENTRANCE HAS BEEN PERMITTED BY VDOT BUT HAS YET TO BE PAVED AS OF 1/18/2019. VDOT HAS NO OBJECTIONS TO USING THE ENTRANCE IN ITS TEMPORARY GRAVEL STATE WITH THE UNDERSTANDING THAT IT WILL BE REQUIRED TO BE PAVED WITHIN ONE YEAR FROM THE DATE THE SPECIAL USE PERMIT IS GRANTED APPROVAL.

Chairman Comer asked Mr. Graves if they were in agreeance and understood the VDOT requirement, in which Mr. John Graves and Mr. Rod Graves stated they were. Mr. Rod Graves stated they would comply but would possibly approach VDOT at a later date to see if that requirement could be worked out without having to pave. Ms. Clatterbuck suggested the condition be left on the permit but the wording be changed to reflect that should VDOT change their determination at a later date, that statement would be required in writing to the zoning office.

Mr. Rod Graves stated they already had bookings for the lodging and have people inquiring about booking weddings so they just want to get the license to operate the venue.

Mr. Miller inquired about the properties around the subject parcel. Mr. Rod Graves indicated most of the adjoining properties are owned by their family so they didn't anticipate any objections.

Ms. Clatterbuck asked The Graves if they had intentions on using the farmhouse as an event venue as well. Specifically because of draft condition #4 which was developed due to the Page County Building Official's requirement. Mr. Rod Graves stated they would desire to also have events in the farmhouse. Gary Shirley from Racey Engineering has calculated the load at 60 people for the farmhouse. He further explained that they had had his 55th birthday party there a while back and there was plenty of room. They are requesting that the occupant load be 50 instead of 60. Ms. Clatterbuck stated that she would need to go back to talk with the Building Official and Gary Shirley because when she spoke to them just the other day, the plan did not include the farmhouse for events. That condition may change once she speaks to both of them but will be drafted as the applicant desires, pending approval from the Building Official, by the time the public hearing is held for the commission.

Mr. Otto stated the following comments were not to reflect upon the applicants in any way. As far as the period of 50 years for the special use permit, well a lot can change in 50 years. There are a couple of things that are not included in these conditions that were included in the Diane Hirsch special use permit for a banquet/event facility, one being the hours of operation and outdoor entertainment. We might get some criticism for having conditions in one special use permit, and not having the same in the next special use permit.

Mr. Weakley stated he agreed with Mr. Otto. He believed that the number of events limitation that were included in the Hirsch special use permit was due to it being on a dead end road and they were more than doubling the traffic on that road.

Ms. Clatterbuck stated that she didn't feel that a condition needed to be in the permit if it was already required by the zoning ordinance. The conditions are drafted in addition to or supplemental of what is already required by zoning. For example, the zoning ordinance states that compliance with Chapter 55 is required for any outdoor entertainment. There is a condition that requires the operation to be in compliance with all county ordinances. So if there were a violation and they held outdoor entertainment that would have required a special entertainment permit, then they would be in violation of the zoning ordinance and their special use permit. As far as the hours of operation, if the commission feels this needs limitations they can certainly recommend them.

Mr. Miller asked if all of the special use permits should have limitation on hours as the Hirsch application did. Ms. Clatterbuck replied that if memory served her correct, the hours matched what the noise ordinance requires which she determined to be correct when the special use permit and ordinance was checked. Ms. Clatterbuck asked The Graves what the closest residence to them (not including the farmhouse) was, and Mr. Rod Graves stated roughly a half of a mile.

Chairman Comer requested staff publish notice of the public hearing for the special use permit on February 26, 2019 and provide notice to adjoining property owners.

Unfinished Business

A. "Guesthouse" Definition Discussion

Ms. Clatterbuck noted she had provided copies of Bath, Rappahannock, Clarke, and Nelson Counties Ordinances related to guesthouse as requested at the last meeting. She had no further updates. She suggested the commission take time to review and put this matter on the agenda for a later date. Mr. Otto stated that he felt after reviewing the ordinances that Rappahannock County was closest to Page County as far as intent of the guesthouses. He also felt our ordinance was lacking a definition or two and would recommend cleaning up the language.

B. Solar Ordinance Committee Report

Ms. Clatterbuck stated at the last meeting the subcommittee discussed bringing in residential owners who had solar on their property to discuss their experience with behind the meter solar power. After that, the subcommittee also discussed inviting John Sessler with Shenandoah Valley Electric. This, along with any further subcommittee meetings, have been put on hold until reappointments of Planning Commission terms is completed. She expects that reappointments will be put on the February 19, 2019 meeting agenda.

Chairman Comer stated he had a client at the bank that owned a solar company. He could reach out to him to see if he would come to a subcommittee meeting to discuss solar.

C. Comp Plan Committee Report

Mr. Otto stated the committee continues to work on the draft. The next meeting is scheduled for January 24, 2019 at 3:00 p.m. They will be reviewing the draft of Volume Two.

Chairman Comer asked if they should set a time to have the draft finished. Mr. Otto stated that the plan the committee has adopted is to first, finish the draft of Volume Two which they have been working on for over four years. At the same time, they are also going to start tackling volume one. It will probably be Chapter Four in Volume One that would be the earliest they start working on solar into the plan. There is not an appropriate place before Chapter Four in Volume One to place solar.

He concluded to note that Natalie Zuckerman had passed away on New Year's Day. Ms. Zuckerman has contributed greatly to the 2009 Comp Plan and the revisions they have been working on in the last four years.

D. Subdivision Committee Report

Mr. Weakley stated the committee had not had any meetings. Furthermore, the committee needs members since Mr. Turner is no longer on the commission once the seats are reappointed.

Chairman's Report

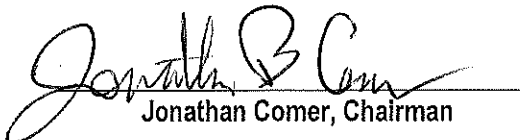
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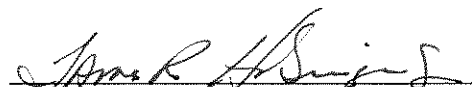
Clerk's Report

Ms. Clatterbuck provided the commission with a copy of the 2018 annual report. The report will be forwarded to administration.

Adjourn

Chairman Comer adjourned the meeting at 7:54 p.m.


Jonathan Comer, Chairman


Jamie Holsinger, Secretary

