

Building, Planning & Zoning  
P.O. BOX 216  
WARM SPRINGS, VIRGINIA  
24484



PHONE: 540.839.7236  
FAX: 540.839.7222

### **Bath County Planning Commission**

**Bath County Courthouse – Room 115 – 6:00 P.M.**

**January 25, 2016**

**MEMBERS PRESENT:** Chairman John Cowden, Vice-Chair Jason Miller, Trudy Woodzell, John Loeffler, Monroe Farmer

**MEMBERS ABSENT:**

**PUBLIC IN ATTENDANCE:** Gene Phillips, Cynthia Rudnick, Bruce McWilliams, Carl Behrens, Mike Bollinger (press)

**STAFF PRESENT:** Sherry Ryder

**WORK SESSION MEETING: With Gene Phillips (PSA –Public Service Authority)**

**Chairman Cowden** asked Mr. Phillips about the availability of water and sewer in the County, in order to make future decisions on the Growth and Business planning areas. We want to be fair to all of the Bath County citizens and have as much information as we can before making any decisions. He also asked Mr. Phillips if he knew anything about the other system operators and their plans.

**Gene Phillips:** As far as mapping goes, I don't have anything that is condensed. I have the maps that I supplied to Central Shenandoah Planning District Commission to use in the Public Utilities chapter for the Bath County Comprehensive Plan. They give a general idea of where the lines are.

**Mr. Loeffler:** How much of the system is reaching its maximum capacity?

**Gene Phillips:** We project there will be about 5-7 new connections on all systems each year, not including Homestead Preserve. We can handle that, but not a major increase in one area like the Homestead Preserve. The locals use water at a different rate than the ones that have a second

home. The Second home use is higher. He discussed what he knew about the other systems in the County.

**Chairman Cowden** asked Mr. Phillips, thinking long term, what his “dream” would be for the PSAsystems.

**Gene Phillips:** My dream would be to buy some land on the lower south side of Bath County on Rt. 687. As far down stream as possible. Build 1 or 2 waste water plants, where all the lines on this side of the county could be brought together. This system would be good for fifty (50) to sixty (60) years.

**Chairman Cowden** asked Mr. Phillips how far from the system line you could be in the Hot Springs/Mitchelltown area and still hook up.

**Gene Phillips:** You can go along ways, if you are willing to pay for the line from your house to the system line. We can’t go out of our easement area.

**Vice-Chair Miller** stated he felt that we may have to put money into our Growth/Business areas utilities so we can grow without problems.

**Gene Phillip** said he would like to link into all the County’s systems so when one system goes out, they can all help each other until repairs are done.

**ARCHITECTURAL STANDARDS** – Sara Holberg - presentation  
Sherry Ryder: Due to the snow she had to cancel.

**PLANNING COMMISSION MEETING– 7:00 P.M.**

**PUBLIC IN ATTENDANCE:** Aimee & Andrew Watkins, Carl Behrens (Warm Springs), Ida Ryder, Cynthia Rudnick, Linda Woodzell, Mr. & Mrs. David Black, Glen & Tammy Lowry, Jerry Liptrap, Karen & Donald Williams, Maggie Anderson, Janice O’Farrell, Bruce McWilliams,

**STAFF PRESENT:** Sherry Ryder

**CALL TO ORDER:**

**Chairman Cowden** called the meeting to order at 7:00 p.m.

**PUBLIC COMMENT—MATTERS UNRELATED TO THE AGENDA:**

**Carl Behrens** spoke on a water capacity matter that he had experienced this summer. We are in the middle of your growth area and zoned R5. If you are thinking about a heavy density

development on our farm: a) We have no public sewer lines in our area and b) We do have a public water, but again you don't know if you are going to have that water.

**Mr. Bruce McWilliams:** I would like to follow up on what Mr. Miller said in the work session. As we talk about growth in the community and what we are willing to pay for it is a good conversation to have. At the next Supervisors meeting, the Economic Development and Strategic Plan will be presented. If we are serious about growth, we need to be serious about what we are providing to folks who bring money to invest into the community.

**ADDITIONS OR CORRECTIONS TO THE AGENDA:** None

### **ELECTION OF OFFICERS**

**Chairman Cowden:** Do I hear a nomination?

**Trudy Woodzell:** I nominate John Cowden for Chairman.

**John Loeffler:** I second it.

**Chairman Cowden:** I have a motion for John Cowden for Chairman of the Planning Commission. Any discussions? Hearing none I call for a vote.

**VOTE: 4-0-1** (John Cowden abstained)

**Chairman Cowden** asked for a nomination.

**Trudy Woodzell:** I nominate Jason Miller for Vice-Chair.

**Mr. Farmer:** I second.

**Chairman Cowden:** I have a motion for Jason Miller for Vice-Chair of the Planning Commission. Any discussion? Hearing none, I call for a vote.

**VOTE: 4-0-1** (Jason Miller abstained)

### **PUBLIC HEARING(s):**

- **Allen Glen Lowry, Jr.** (TM#41-22A)– Conditional Use Permit application to operate an automotive repair shop at 16161 Sam Snead Highway, Warm Springs, VA. The property comprises 0.77 of an acre situate in the Warm Springs Magisterial District and is zoned A-2 Agricultural General.

### **Sherry Ryder:**

Mr. Lowry has made application for a Conditional Use Permit to use his personal garage to operate an automotive repair shop.

He is making application under section 603.03-6: Bath County Land Use Regulations, “Automobile service stations, automotive repair garages” and relevant Section - Page 4-3 Economy Goals #3 and #8 and Objective b page 4-3 of the Bath County Comprehensive Plan. At this time, the property’s main use is residential. He has a small garage on his property. The total acreage of property is approximately 1.28 (2 parcels combined).

Mr. Lowry has submitted conditions that if approved, his hours of operation would be Monday-Friday 8:00 a.m. - 6:00 p.m. and Saturday 8:00 a.m. 5:00 p.m. (only if work would dictate the need).

It appears that repair work would be by appointment only and parking of vehicles has been mentioned, however, you may want to consider the number of vehicles allowed. Typically in the past this has been done.

This property is not located within a designated growth area.

The adjoining properties are zoned A-2. Just north of the property is Jason’s Pizza, which is zoned B-2 Business General.

At the time of printing, I had not received any opposition to this request. A letter was received afterward. It was read by Sherry Ryder and made part of Mr. Lowry’s application.

**Sherry Ryder:** In your packet you have the application with proposed conditions attached. He references the Public Hearing for Mr. Puffenbarger who was granted a Conditional Use permit and is within sight distance of Mr. Lowry, south of Jason’s Pizza on the same side of the road. He was granted a permit but never actively pursued it and it expired. You have a copy of his plat, an aerial of his land and photographs. VDOT has said that due to the minimal amount of traffic and being a small garage, the entrance requirement would be the same without increase traffic count and they did not need anything.

**Chairman Cowden:** Is Glen here? Do you have any background on your proposed business?

**Glen Lowry:** I’ve lived here in the community much of my life. Highland and Bath County. I’ve been in the automotive industry for 20 plus years. I’ve worked out of town, drove hours to get to and from work. I had a business below Hot Springs, which was more than I wanted to do. It is a big job with employees. I wanted to be hands on so I got out of that for a little bit. I built a small shop for my personal use, but people kept asking me when are you going to open up a shop? So I thought that maybe there was enough business to make a living at the small shop at the house. I will mostly do paint and body work. I have fans and filters. My neighbors all signed a paper giving me their support. I want to stay small and not have more than 3 cars there altogether.

Comment on paint overspray and odor was mentioned. Glen said that he would have some odor from time to time, but not a lot. Paint overspray would be contained inside the garage.

**Chairman Cowden** asked if there was any public comment. There was none. He then asked if there was a motion for recommendations from the commission.

**Vice-Chair Miller:** I make the motion to recommend approval of Glen Lowry's request for a Conditional Use permit, for a time of 5 years under the Land Use Regulations, Section 603.03-6 "Automobile service stations, automotive repair garages," with conditions of not more than 3 vehicles at any one time on the premises as according to his plans. No car parts or inoperable vehicles are to be permitted.

**Mr. Farmer:** Seconded the motion.

**VOTE: 5-0**

- **Karen Williams** – David Black et al – (TM#72-78) – Conditional Use Permit application to operate a business for overnight pet boarding and dog day care business at 9405 Sam Snead Highway, Hot Springs, VA. The property comprises 2.92 acres situated in the Cedar Creek Magisterial District and is zoned B-2 General Business.

**Sherry Ryder:** She is making application under uses similar to section 610.02-17 – "Retail business or service establishments such as grocery, fruit or vegetable stores, drug stores, barber and beauty and other personal service shops, florists, dry cleaning and laundry, pickup stations and food lockers" and 610.02-22 – Veterinary clinics, kennels and animal hospital provided that any structure or premises used for such purpose shall be distant at least two hundred (200) feet from any Residential District" and relevant Section - Page 4-3 Economy Goals #3 and #8 and Objective b page 4-3 and page 11-9 #1 of the Bath County Comprehensive Plan.

The property is owned by the Black family and is currently under a contract for purchase pending approval of this Conditional Use Permit.

At this time the property's main use is residential. As you can see from Mrs. Williams' application the pets will all be boarded inside. There will be strict criteria that has to be met. There will be someone on the premises at all times.

Property is located within a designated growth area.

The adjoining properties are zoned B-2 Business General, A-2 Agricultural General, M-1 Industrial, and R-1 Residential Limited. Across the street is First and Citizens Bank. The closest residentially zoned property is less than 100 feet (Schelch) and the property owned by Chestnut is approximately 150 feet from this property (structure) to the residential zoning line.

At this time, I have not received any opposition to this request.

You may want to consider the number of dogs on the premises that are being cared for at any given time. You may also want to consider reviewing this in one year as opposed to a longer period of time if it is decided to make recommendation for approval of the Conditional Use Permit.

You have a copy of her plans .The first picture shows how a kennel is normally laid out, very cold and unfriendly with chain link fences and runs. Then samples of what she wants to do, not a kennel.

We have had a problem in the past with dogs barking in Mitchelltownand residents complaining. That is why I made the suggestion to recommend a one year trial. We are talking about residents and this is a new business. If there is a problem, the permit could be taken away. I don't think we will have that problem, she says she will have more control due to the dogs being inside and someone with them at all times. Karen has been looking for property for a long time and hopes it will work out. Karen Williams can give you more information. That's all I have unless you have questions for me.

**Chairman Cowden:** Mrs. Williams, can we hear from you?

**Karen Williams:** I have been looking for a location to have a business of this kind for some time. I am the manager of the Owners Club and am on the EDA. Our members are always looking for somewhere to board their dogs. They like to bring their dog with them when they travel. We have 33 homes at the Owners Club and there is about 5-10 dogs at any given time that would use this kind of service if available. Many do board with our Veterinarian, Ellen Miller, and I have spoken with her as well and she will send us business because they are full at peak times and boarding isn't their primary type of business, nor do they advertise for it. According to many travel, airline and tourism brochures and according to trip.com, people want to take their pets with them and they plan their trips to accommodate that desire. Our customers would be the local community, Owners Club members and guest and vacation home renters. We will market through the concierge office, web page, a facebook page would be set up and by word of mouth. Marketing material would be distributed to major points of interest.

At this point, we do not have a name but we are working on it. We want to be known as a Bath County's premier quality pet service with welcoming staff. Structured schedule for the pets and organized activities. Being a good neighbor will be our top priority. The attached photos show the difference between a kennel and what our vision is, more of a bed and breakfast for dogs. There will not be any runs outside to cause water runoff and cleanup will be done after they do their business. This will be done according to Bath County Service Authority standards. I talked to Buggs about this last week.

Our objective is to build a strong client base and then add retail, dog biscuits and maybe our own cookbook in the future. Our daughter has taken dog obedience training. She is currently training as a Vet Tech, so she has a lot of experience working in kennels with dogs. People have asked me to sign them up to her first obedience class. This would be after we established a business and get a client base going.

With over 30 years of experience in the property management field and working for others, I look forward to the opportunity to establish a successful business of my own. This is my dream and I look forward to creating a much needed service for the county.

I do ask for more time than one year on your recommendation to the BZA. It will take more than one year to get started. I have spoken to most of the neighbors and some of the Animal Welfare

people. A few years back I spoke to a few ladies from the Bath County Welfare and told them about my plans and they thought it was great, but wished me luck on finding help. I do plan on putting up a fence so the dogs can go out for exercise. They will not be allowed to dig or bark and someone will be with them.

**Mr. Loeffler:** How high of a fence?

**Karen Williams:** I will put up a six foot fence. Later, after I get established, I will put up a board privacy fence.

**Mr. Farmer:** How will the fecal matter be handled?

**Karen Williams:** It will be collected and flushed down the system as I was told was allowed. Just the feces, not the bag.

**Trudy Woodzell:** What is the maximum capacity of dogs do you think you will need to have?

**Karen Williams:** Not more than 20. If it gets to that point then we would have to come back to expand or find another location. I see this at first as a great start, a test run for providing a clean place traveling pets. We wouldn't put a risk on safety to have more. 10 to 15 dogs would be a good business. I don't know what the future holds.

**Mr. Loeffler:** Opening would be 7 day a week, 352 days a year?

**Karen Williams:** Yes

**Mr. Farmer:** Who would take care of any emergency? Have you talked about this with Dr. Miller?

**Karen Williams:** I don't think that will be a problem. My daughter, like I said, is working as a vet tech and has proven herself to know how to handle situations. Dr. Miller is always there for emergencies if she is needed and if not gives a list of other vets who would help. Owners would have to fill out and sign papers giving us phone numbers and permission to handle an emergency if needed.

Emergency situations were discussed. Vaccinations for dogs were discussed. Dangerous dogs were discussed.

**Chairman Cowden:** Barking is a problem for neighbors sometimes. Barking is their nature.

**Karen Williams:** Dogs bark when they are penned in or tied up and can see everything going on. These dogs will not be left outside without attention. At night they will be inside. We will have pens where they can't see each other on the sides, but can see out. The noise factor, if any should end by 10:00 p.m. We will do what we can even if we have to add more insulation in the walls. In the morning, they will go out to do their business and come back in for a snack. Exercise time will be mid-morning.

**Vice-Chairman Miller:** Will you have an inside filtration? Since people will be living there to.

**Karen Williams:** We will have heat and air. Filtration? Probably so. I will make a note of that.

**Chairman Cowden:** Any Public Comment?

**Mrs. Anderson,** Director of Tourism and the Economic Development, spoke in support for Karen Williams, stating that the closest pet boarding was in Clifton Forge. She receives many calls from tourist ask about pet boarding care. She stated that we could really benefit from this new business and hopes the Commission will support Karen with their recommendation.

**Mr. Loeffler:** What type of time limit do we want to recommend? What happens if the neighbors start having problems with the business?

**Sherry Ryder:** The business will either rectify the situation, or they come before the BZA. BZA can pull their permit. But it takes time.

**Chairman Cowden:** I do understand Mrs. Williams' concern about a year being too short with the real estate transaction involved. Do I hear a motion?

**Vice-Chair Miller:** I make the motion to recommend approval for a period of three (3) years with the maximum limit of 20 dogs. In accordance with sections 610.02-17 & 610.02-22 of the Bath County Land Use Regulations.

**Mr. Farmer:** What about the retail involved.

**Sherry Ryder:** She didn't make out an application for retail, just doggie day care.

**Mr. Farmer:** My concern is, there will be grooming involved if they salivate themselves. They will need to be cleaned and brushed before they are picked back up. Grooming means products.

**Trudy Woodzell:** I will make a substitute motion, to recommend approval for a period of three (3) years with the maximum limit of 20 dogs. To include boarding, grooming and retail. In accordance with sections 610.02-17 & 610.02-22 of the Bath County Land Use Regulations.

**Vice-Chair Miller:** I second the motion.

**Chairman Cowden:** I have a second. Any discussion?

**Mr. Farmer:** I would like them to have an agreement with a vet for emergencies, for their own protection.

**Maggie Anderson:** I board my dogs in Staunton and they have no agreement with a vet. It's not required.

**Trudy Woodzell:** I agree with that thought, but I am sure Karen will know and be responsible for anything that may happen. Ellen does that now, she will see anyone's dog.

**Karen Williams:** I'm not sure she would agree to an agreement in writing. I may have to go out of the County if she doesn't agree or isn't available, but I will ask.

**Chairman Cowden:** Any more questions? I have a motion and a second, do I have a vote?

**VOTE: 5 – 0**

**Chairman Cowden:**

- Mobile Food Vender – Receive input from the public and consider proposed Mobile Food Vendor Ordinance to be presented for inclusion in the Bath County Land Use Regulations as Section 715.00. This regulation would place guidelines and restrictions on Mobil Food Vendors with general and operational requirements. The draft for Mobile Food vendors is available in the Building, Planning and Zoning Office.

We had a discussion at our last meeting and this ordinance seems to cover all the bases.

**Sherry Ryder:** I sent this draft for Mobile Food vendors to Mrs. Watkins and she had a question on two things: 1) Item K states no tables and chairs. – She does use tables and chairs, (three tables and two chairs each) and 2) Item G states the use of a tent. She uses an awning, and would like the ordinance to include that. I see no problem.

The issue is do you want to include seating or not at the Mobile Food Vendors sites. I asked Mr. Collins to review ordinance before it went to the Board of Supervisors. It should be fine, but he agreed to look over it.

**Mrs. Watkins:** I don't plan on having tables and chairs scattered out, or have a waitress going from table to table.

**Vice-Chair Miller:** Wouldn't other regulations be involved if they were on the street or sidewalk?

**Sherry Ryder:** Yes, and they are not allowed to block a right away.

**Chairman Cowden:** Do I have any public input?

**Bruce McWilliams:** He supports Mrs. Watkins business.

**Vice-Chair Miller** asked why the other localities have these rules on no seating.

**Sherry Ryder:** Most places have more restaurants and sit down places to eat. So to please the other establishments, they put no tables and chairs into their regulations. We don't have many sit down places to eat.

**Vice-Chair Miller:** What happens if we set a number and they are all full and I bring my own chair to set down? Would it violate the requirements? I'm not sure about setting a restriction on tables and chairs. Some locations would have more space than others.

**Sherry Ryder:** The other localities also put in a distance requirement of 300 feet from other eating establishments that the vendors have to follow. I included that into ours too.

**Mr. Loeffler:** I have no problem with having Mrs. Watkins set up next to my place, but someone else's business may.

**Sherry Ryder:** We could put in a waiver that allows the vendor to set up closer if the other eating establishment puts it in writing. That letter would have to be renewed every year and given to the Zoning Administrator and placed with the vendor's permit files. They will have to renew this permit every year and so the written permission would have to be renewed too.

**Chairman Cowden:** Do I have a motion?

**Trudy Woodzell:** I make a motion to accept and make recommendation to the Board of Supervisors for adoption of this regulation under section 715.00 of the Bath County Land Use Regulation with noted corrections.

**Vice-Chair Miller** second the motion

**VOTE: 5-0**

**CHAIRMAN'S REPORT:** None

**STAFF REPORT:**

**Sherry Ryder:** A copy of my report is in your packet. If you have any questions let me know.

**OLD BUSINESS:**

**Gas Drilling & Hydrofracturing Ordinance**

**Sherry Ryder:** I am waiting on the County Attorney to give me his opinion on the New Attorney General's option for our next meeting. Also he will be giving me a legal opinion letter on the vegetable man in Mitchelltown at the hardware store.

**Chairman Cowden:** What about the Architectural Review Standards? And there's Oil and Gas Ordinances, Maggie's Economic plans and The Historical Society has plans so we may want to have another work session. We all need to read over the information we have before the meeting.

**Maggie Anderson** discussed the many different issues that needs going over and wants the Planning Commission to be involved. She is willing to contact the EDA and get some work session meeting dates that are available before the Planning Commission's February meeting.

**NEW BUSINESS:**

**Sherry Ryder:** I sent you a link on "Signage" please review. Code of Virginia has new requirements on sign regulation based on a U.S. Supreme Court ruling. Our regulation will need to be amended.

**MINUTES**

**Chairman Cowden:** We have the minutes for December 9, 2015.

**Vice-Chair Miller:** I make a motion to approve the minutes of December 9,2015

**Trudy Woodzell:** Isecond the motion.

**Vote:5-0**

**ADJOURN**

**Vice-Chair Miller**made amotion to adjourn the meeting.

**Trudy Woodzell:** Isecond the motion

**Meeting adjourned @ 8:45 P.M.**

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ChairmanJohn Cowden

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Date