



To: Chair and Members, Nelson County Planning Commission
From: Tim Padalino | Director | Department of Planning & Zoning
Date: July 16, 2014

Subject: Staff Report for Special Use Permit #2014-005 (Blakeslee / “Adial Cabins”)

Site Address / Location: Adial Road / Nellysford / Central District

Tax Map Parcel: #33-A-8

Parcel Size: 200.4 acres

Zoning: Agriculture (A-1)

Request: Applicant seeks approval of Special Use Permit #2014-005 / application made pursuant to Nelson County Zoning Ordinance Article 4, Section 1-25a, “Uses permitted by Special Use Permit only: Motel”

Application Overview

The Department of Planning & Zoning received an application on June 26th from Mr. Duane and Mrs. Lisa Blakeslee, seeking approval for Special Use Permit #2014-005, to utilize their property on Adial Road for a “Motel” land use. The applicants own the property and have both signed the affidavit (item #5) on the application.

The property is located on the south side of Adial Road (Rte. 634), opposite of Synchronicity. The western boundary of the property also has frontage along Gullysville Lane. The approximately 200-acre property is zoned Agricultural (A-1). *(See maps on pages 5 and 6.)*

Review of Requested Uses

The application seeks approval for, “construction of six (6) new single family dwellings for purpose of vacation rentals.” The Site Plan, which was submitted in May and reviewed by the Site Plan Review Committee in June, further identifies the proposed project as “Adial Cabins.”

As explained to the Planning Commission in a staff report dated June 10, this project (as proposed) requires a Special Use Permit (SUP) for “Motels, hotels” pursuant to §4-1-25a and pursuant to the definition of “Motel,” which is defined in the Nelson County Zoning Ordinance as follows:

Motel: One (1) or more buildings containing individual sleeping rooms designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

Site Plan Review Committee Meeting and Comments

The Site Plan Review Committee convened on June 11th to review the application materials. The committee members' comments are as follows:

VDOT: Mr. Jeff Kessler provided the following written comments on Friday the 13th:

- VDOT considers the addition of six 2-bedroom cabins to be a change in use of the current field entrance serving a barn (storage facility), and will require a commercial entrance design and a VDOT Land Use Permit to connect with State Route 634 and conduct work within the right of way.
- ITE traffic generation analysis with ADT and peak hour trips will be required.
- The type of commercial entrance design will be based on the intended use and anticipated traffic generated. The design will address the major components such as; distance to closest intersection and or commercial entrance, sight distance(s), entrance geometrics, drainage, and entrance pavement design. I have attached a copy of VDOT's Check List for site plans and one with suggested plan notes which the engineer may use to guide them.
- The design and support documentation may be added to the County's site plan and with a revised VDOT signature block and disclaimer.
- Following our committee meeting I reviewed the site. The line of sight looking west from the entrance toward the intersection of Route 629 is limited by a crest vertical curve on Route 634. The engineer will need to address this in the design and location of the proposed commercial entrance.

VDH: Mr. Tom Eick of the Health Department stated that private wells for the proposed use would not be regulated by the Health Department. Mr. Eick also discussed the drainfields with the applicant, and no issues or concerns were specified.

TJSWCD: Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District stated that an Erosion & Sediment Control Plan needs to be submitted for review and approval, and offered specific guidance on the types of information to be addressed. These include quantifications showing the adequacy of receiving channels to handle runoff (although it was noted that Hamilton Lake is a "receiving channel" that could be eligible for a variance from the "MS-19 computations" if requested), as well as road ditch calculations, and the location(s) of check dams and silt fences.

Nelson County Building Code Official: Mr. David Thompson was not in attendance, but provided written comments prior to the meeting. Regarding the Site Plan, Mr. Thompson noted that an approved E&S Control Plan and a Nelson County Land Disturbing Permit are required; and that effective July 1st, a VSMP permit registration statement, an approved stormwater management plan, and VSMP approval authority (from DEQ) are required prior to any land disturbing activity.

Note: Please see page three for additional comments from Mr. Thompson.

Nelson County Planning Commission: Mrs. Linda Russell's comments and questions were limited, and primarily pertained to the question of whether the proposed project could be processed as an "intentional community" by-right, or if a Special Use Permit was necessary based on the proposed use of the cabins depicted on the Site Plan.

Staff Comments

1. Please note that the Building Code Official has provided additional information on this project, after the Site Plan Review Committee Meeting and after the County received the SUP application.

Specifically, Mr. Thompson noted the following in an email dated July 15th:

“Motels are an R-1 use group and must be transient in nature (defined as an occupancy of a dwelling unit or sleeping unit for not more than 30 days.) The certificate of occupancy would reflect the R (?) use group code and stipulate the authorized occupancy.”

Mr. Thompson also noted that, “The owners’ primary concern for this project would be designing each cabin as an individual dwelling unit and constructing each under the Virginia Residential Code (VRC) design requirements for a R-5 use group. The units will need to be detached with a 5-ft (or greater) separation between each dwelling. They may also be designed as attached townhouses and still remain a VRC R-5 use group. Only detached one-two family dwelling units are not required to be accessible.”

Mr. Thompson also stated that, “A use group R classification, other than R-5, will result in each cabin having a sprinkler fire protection system. A water storage system and fire pump would be necessary to provide the volume and quantity of water unless each home is on its own individual well water system. A use group R classification; other than R-5 will also result in providing accessibility features.”

Finally, Mr. Thompson also commented that, “Fire apparatus access roads need to be provided for the facility and buildings; and a water source for development fire protection should be on site and available for fire fighters. The water source may consist of reservoirs, pressure tanks, elevated tanks, water mains, or other fixed systems. We have accepted dry hydrants and ponds with the size and volume determined by an approved method (engineer).”

Staff believes the questions relating to the Virginia Residential Code “use group classification” and Uniform Statewide Building Code requirements, which are administered by the Building Code Official, should not preclude Planning Commission review or action on this application. In regards to the proposed project, please note that the Zoning Ordinance does provide for the proposed land use as defined in Article 2, Definitions, “Motel” – and necessarily leaves the details of the design and construction of the actual structure(s) to the Building Code Official.

2. Please note that this project is subject to bonding requirements for “required improvements.” Zoning Ordinance Section 13-6, “Improvements,” Section 1, and Subsection L. “Bond,” calls for the developer to establish a bond with the County prior to any Site Plan approval. This bonding requirement was recently emphasized in a written directive from County Administrator Steve Carter, dated July 3rd, in which Mr. Carter wrote, “[F]inal approvals by County staff are to be based on completion of all of the project elements approved by the County and that County staff are required to approve before the development can begin its operations, and this includes bonding, when applicable...”

Staff believes this bonding requirement applies to the road and parking areas. Other bonding requirements may apply, but this issue is intended to be resolved during the review of the Site Plan.

3. Please note that the Major Site Plan that was submitted by the Blakeslees in June is being used for this SUP review; which is acceptable for the purpose of satisfying the requirements of Article 12, Section 3-4-c-1. However, any approval of this SUP application does not automatically equate to approval of the Major Site Plan (dated 5/23/2014). In contrast, a Site Plan will need to be reviewed and approved separately, after any approval of the SUP application, to satisfy the requirements of Article 12, Section 3-7 and Article 13, Sections 1 and 2. That separate, subsequent Site Plan review

would incorporate the issue raised in Comment 2 (above) and any other project elements such as signage, lighting, landscaping, and/or other site details.

Summary

In summary, County staff supports this application to use Tax Map Parcel #33-A-8 for “Motel” special use for six (6) temporary lodging structures and rental accommodations. The proposed use and project seem to be appropriate relative to the review criteria in Article 12, Section 3-2:

12-3-2 General Standards and Criteria for Special Use Permit Review.

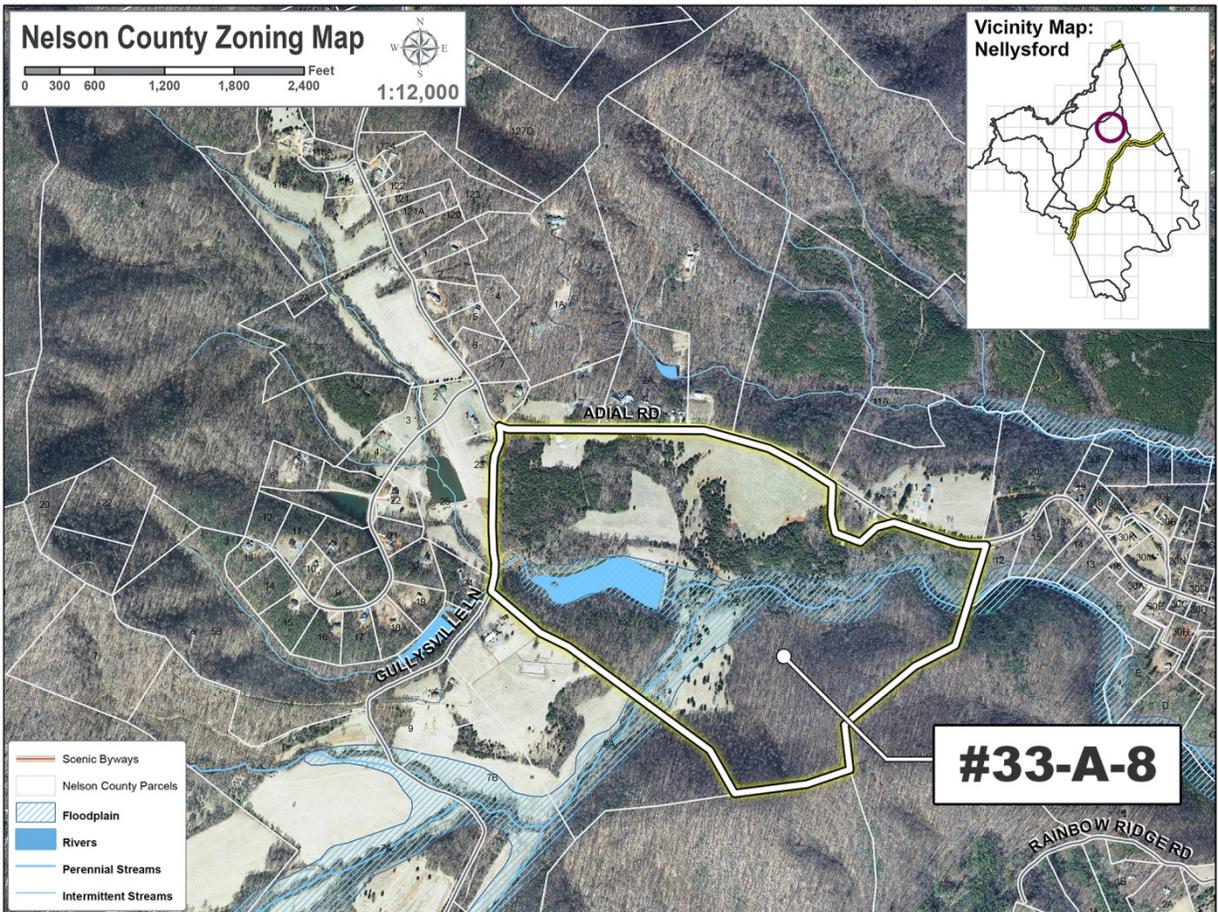
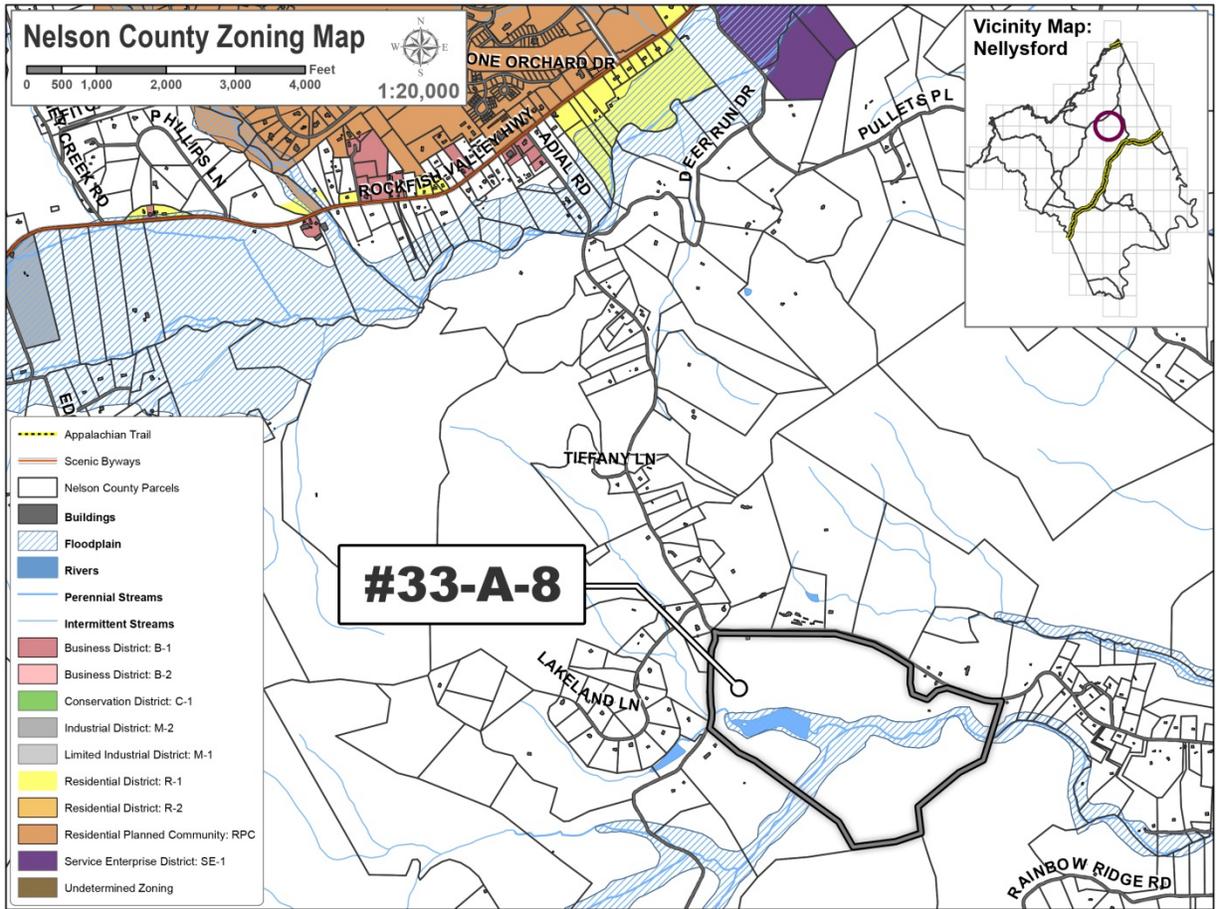
All applications for Special Use Permits shall be reviewed using the following criteria:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
- b. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;
- c. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Accordingly, County staff recommends that the Planning Commission consider recommending to the Board of Supervisors that this Special Use Permit application #2014-005 be approved.

Please recall that any approval of this Special Use Permit would require subsequent review and approval of a Major Site Plan. Should the project proceed, County staff recommend waiving the Major Site Plan review fee, since the applicants have previously paid \$500 for a Major Site Plan review – although the plans they submitted were eventually reviewed as a Minor Site Plan (in conjunction with this SUP application). Instead, County staff recommend that the applicants’ submittal of a Major Site Plan (subsequent to any SUP approval) be processed for \$100, which is the review fee for a Minor Site Plan. This accommodation would ensure that the applicant pays the same (total) review fees consistent with other project Special Use Permit and Major Site Plan projects that are processed in a more typical, linear way.

Thank you for your attention to this matter; please contact me if you have any questions about this report or this application, or if I may be of assistance in any other way.





View of subject property looking south towards Hamilton Lake.