

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission

From: Tim Padalino | Director | Department of Planning & Zoning

Date: August 20, 2014

Subject: Staff Report for Major Site Plan #2014-004 – “Adial Cabins” Motel

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 Major Site Plan #2014-004, in conjunction with Special Use Permit #2014-005 (pursuant to Z.O. Article 4, Section 1-25a, “Uses permitted by Special Use Permit only: Motel”), which was approved by the Board of Supervisors (BOS) on August 12th

Application Overview

The Department of Planning & Zoning received an application on June 26th from Mr. Duane and Mrs. Lisa Blakeslee, seeking approval for Major Site Plan #2014-004, which is a requirement associated with the approved Special Use Permit (SUP) #2014-005, which was required for utilizing their Agricultural District (A-1) property on Adial Road for a “Motel” land use.

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 4 and 5.)*

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 initially submitted in May and originally reviewed by the Site Plan Review Committee in June, further identifies the proposed project as “Adial Cabins.”

The BOS approved SUP #2014-005 for this project at their August 12th meeting; and the revised Site Plan for this project (dated August 4th) was reviewed at a Site Plan Review Committee meeting held the following day on August 13th. A summary of the committee’s second review is contained below.

Site Plan Review Committee Meeting and Comments

The Site Plan Review Committee convened on August 13th to review the Major Site Plan, which had been revised since the previous review on June 11th. The committee members' comments for the revised Site Plan drawings (dated August 4th) are as follows:

VDOT: Mr. Jeff Kessler has not provided written comments for this project to date. Staff notes from the meeting are as follows:

- VDOT considers the entrances plans to be “really incomplete,” leaving VDOT unable to make an assessment about the adequacy of safety and service.
- Mr. Kessler identified the following specific information which must be prepared by a licensed engineer, and submitted with stamp and signature:
 - Location of intersection
 - Stopping sight distance and intersection sight distance at 55mph traffic design speed
 - ITE trip generation report
 - ROW width: pavement width
 - Specifications for pavement design for entrance
 - Profile grade of commercial entrance
 - Revisions to Site Plan notes.

TJSWCD: Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District provides review of the Erosion & Sediment Control Plan. On August 13th, Mrs. Sappington notified County staff and Mr. Justin Shimp, P.E., by email of the following status: “The plan with revisions dated August 4, 2014, contains the revisions I requested in my email of July 31. Please forward me three additional copies of this plan for final E&SC approval.”

VDH: On August 8th, Mr. Tom Eick of the Virginia Department of Health provided the following comments by email: “An application for construction of sewage disposal systems for the six Adial Cabins has not be received by this office, therefore a formal review of the suitability of the soils for this project has not yet been conducted. Steve Gooch, OSE, who is doing the soil work for [t]his project can also do the site work for well permitting and can include that in his report for a construction permit.”

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 discussed the lighting plan requirements with the applicant team. She stated that the proposed lighting plan for the cabins, parking area, and any other applicable areas (such as the entrance) must be addressed through a simple supplemental submission. She noted that the location of all lights and the type of light fixtures do not necessarily need to be specified on revised and re-submitted Site Plan drawings, but that such information would need to be provided to, and approved by, the Planning & Zoning Director in separate documentation.

Commissioner Russell also asked about the applicant's plans for signage. Mr. Blakeslee stated that he had no intention of erecting any sign(s) at this time. There was then discussion and agreement about the need for a signage plan to be submitted to, and approved by, the Planning & Zoning Director before any sign(s) could be installed.

Staff Comments

1. Please note that the Building Code Official has provided the following additional information on this project 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).”

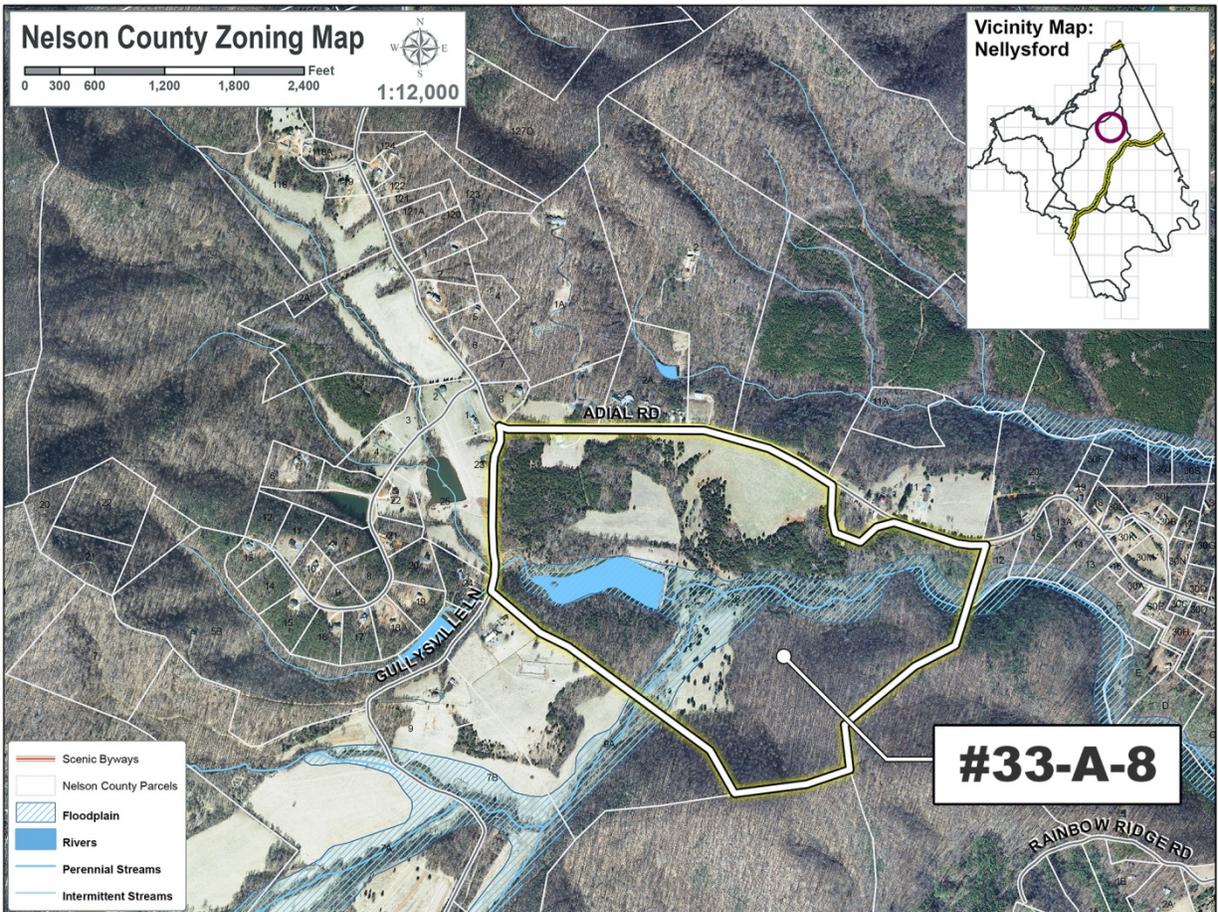
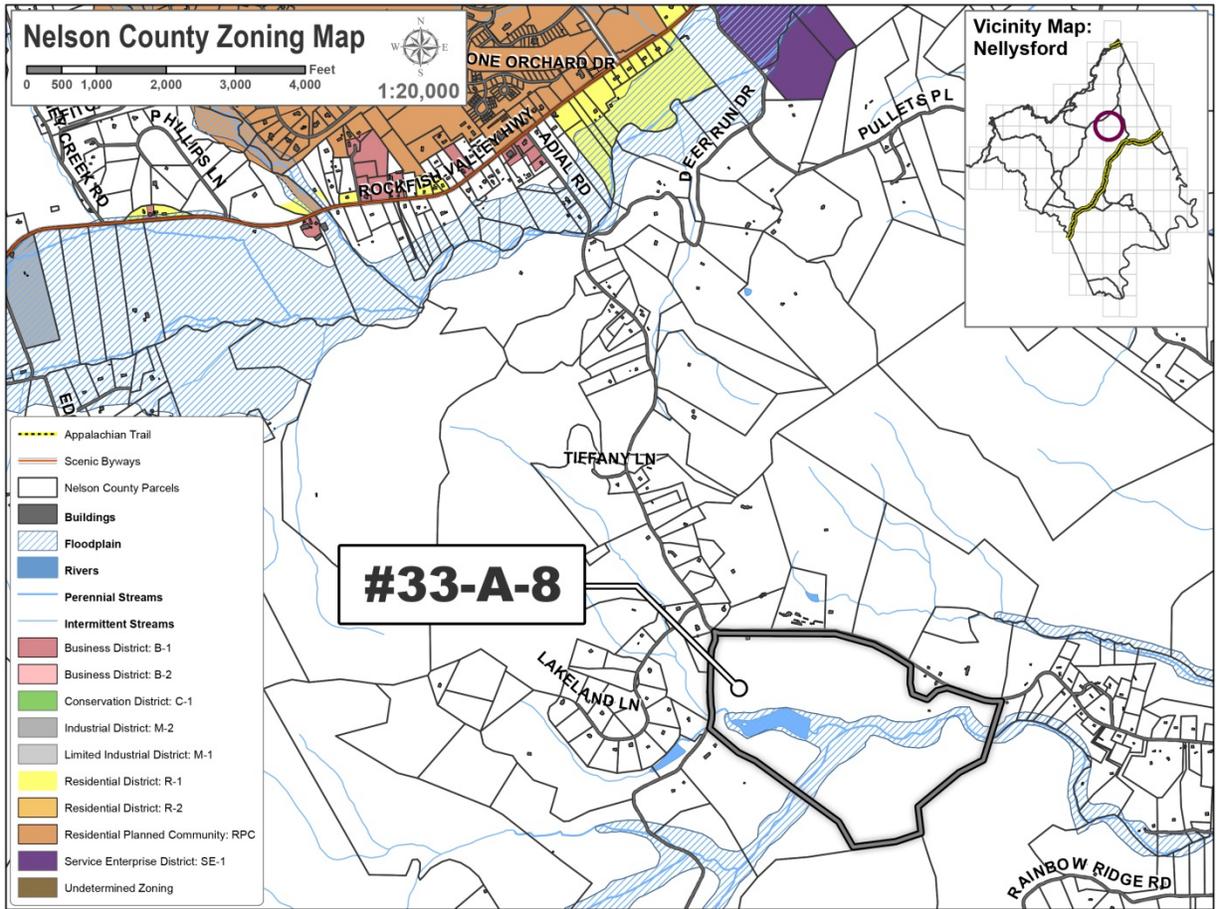
Staff believes the questions relating to the Virginia Residential Code “use group classification” and Uniform Statewide Building Code requirements, which are administered by the Building Code Official, should not preclude Planning Commission review or action on this application. In regards to the proposed 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 review Zoning Ordinance Section 13-6, “Improvements,” Section 1, and Subsection L. “Bond,” which calls for the developer to establish a bond with the County prior to any Site Plan approval. Please note that 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...”

The Planning & Zoning Director initially concluded that this bonding requirement applies to the private road and parking areas. However, the applicant’s engineer, Mr. Justin Shimp, P.E., has suggested that the bonding requirement would be an atypical application in the case of this particular project. Mr. Shimp has proposed the submission of an as-built certification by a third-party reviewer after construction is completed, in lieu of the bonding requirement. This arrangement would require a licensed professional engineer to perform inspections during and after the construction process; and to then provide a sealed, signed report certifying that the private road and other required permanent improvements were implemented in conformity with applicable County specifications.

A copy of Mr. Shimp’s request is included at the end of this report.

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.





Map showing approximate location of proposed cabins.



View of subject property looking south towards Hamilton Lake.

Tim Padalino

From: Justin Shimp, P.E. <justin@shimp-engineering.com>
Sent: Tuesday, August 19, 2014 2:23 PM
To: Tim Padalino
Cc: Duane and Lisa Blakeslee (lblakeslee@hughes.net)
Subject: Adial Cabins, Request to not require bonding of improvements.

Hello Tim,

Section 13-6-1 of the Ordinance requires bonding of certain improvements which is to be kept in place to ensure the developer completes the improvements and does not leave an incomplete site. Relating to the proposed plan it has been suggested that perhaps the access road and parking to the cabin sites should be bonded. These cabins are not separate dwellings to be subdivided but rather part of a short term rental property business operated by the Blakeslee's. There is no danger of the road being left incomplete and stranding a property owner who has bought a lot in this circumstance.

It is also necessary to complete the road in this situation before construction of the cabins can begin. In most jurisdictions it is not necessary to bond the road unless construction of homes is to start prior to completion of the road. Rather than having a bond for the road, the Blakeslee's propose that the site plan be approved with the condition that the road must be completed and inspected by a third party reviewer to certify that the road is built per County regulations prior to the County issuing any building certificates of occupancy for the proposed cabins. This would mean that the business could not operate at all until the road was built per county regulations. I believe this proposal is inline with the intent and purposes of the ordinances and would prevent any member of the public from having to deal with a partially completed improvement when staying at the cabins.

We understand that a soil and erosion control bond may still be required and would anticipate providing that bond with the building inspector as is typically required.

Please let me know if you agree with our proposal,

Thanks,

Justin Shimp, P.E.
434-953-6116