

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 Special Use Permit #2014-006 – “Batesville Gym” Activity Center**

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**Site Address / Location:** 9656 Batesville Road / Afton / North District

**Tax Map Parcel:** #7-A-53A

**Parcel Size:** 2.1 acres

**Zoning:** Agriculture (A-1)

**Request:** Applicant seeks approval of Special Use Permit #2014-006, pursuant to Nelson County Z.O. Article 4, Section 1-44a, “Uses permitted by Special Use Permit only: Activity Center”

### **Application Overview**

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The Department of Planning & Zoning received an application on July 31<sup>st</sup> from Mr. Edward A. Martin, seeking approval for Special Use Permit (SUP) #2014-006, to utilize his Agricultural District (A-1) property on Batesville Road for an “Activity Center” land use.

The property is located on the north side of Batesville Road (Rte. 636), between Avon Road and Cardinal Point Winery. The 2.1-acre property is zoned Agricultural (A-1). (*See maps on pages 4 and 5.*)

### **Review of Requested Uses**

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The SUP application seeks approval to begin using an existing garage for an activity center, which the applicant has suggested would benefit the local community members by creating a nearby destination to practice health, recreational, and therapeutic activities, and to build community.

The applicant has provided additional information on the application stating that their interest in operating an Activity Center is because, “we basically would enjoy helping the community as we grow to their health and weight controls; and maybe in the future to help out schools to come down and learn different training for their recreational needs; along with it being a great activity center.”

## Site Plan Review Committee Meeting and Comments

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The Site Plan Review Committee convened on August 13<sup>th</sup> to review the Minor Site Plan, which was prepared by Mr. Massie Saunders, P.E. The committee members' comments are as follows:

**VDOT:** Mr. Jeff Kessler provided the following information in an email dated August 13<sup>th</sup>:

"I will need additional information with the site plan to be able to provide the County with VDOT's comments. This will include:

1. A brief narrative of the intended use of the property along with trip generation data (ITE or study). From today's discussion the gym will be open to all members at any one time (not by appointment with personal trainer as originally looked at), thus generating more traffic.
2. Actual Sight Distances (stopping and depending on whether traffic generating exceeding 50 VPD, intersection stopping sight distance too). You had a note on the preliminary site plan regarding sight distances which included conditions, i.e. vegetation control, etc. – this will need to be re-written to express only the actual sight distances measured.
3. If a low volume commercial entrance is justified, we need to provide the current geometrics of the entrance and pavement type (I believe it was plant mix). The geometrics should be in line with the current VDOT standard for PE-1. If a low volume commercial entrance trip generation is not met, we will need the appropriate commercial entrance design."

**TJSWCD:** Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District did not attend the meeting and did not provide comments. The Minor Site Plan does state that no site disturbance will occur.

**Virginia Dept. of Health:** Mr. Tom Eick provided the following written comments in an email dated August 8<sup>th</sup>: "This is a commercial project which will require the owner to enlist the services of an OSE/PE to prepare a packet for VDH review of request for septic and/or well permit. A new or existing private well can be used as long as public use of the well does not exceed 25 or more people using the water from the well 60, or more, days per year."

**Nelson County Building Code Official:** Mr. David Thompson was not in attendance, but provided written comments prior to the meeting (on August 11<sup>th</sup>) as follows: "A building permit is required for the change of use and a certificate of occupancy for a USE GROUP A-3 is required. 13VAC5-63-80 section 108. A Virginia licensed professional is required to prepare plans detailing the requirements mandated by the Uniform Statewide Building Code. **These include but are not limited to: evaluating the existing structure for an A-3 Use Group, accessible routes and parking, bathroom facilities, drinking water, fire protection requirements including panic hardware and prescribing a posted occupant load and reviewing & detailing the building for minimum lighting, heating, ventilation requirements, emergency illumination lighting and exit egress.**"

**Nelson County Planning Commission:** Mrs. Linda Russell discussed the lighting plan and signage with the applicant. Mr. Martin noted that only one sign – an electric "open" sign – would be used, and that it would be located on the garage / proposed activity center. Commissioner Russell then noted that any new signage along the road frontage area would need to be reviewed and approved by the Planning & Zoning Director. Commissioner Russell also asked for clarification of which elements of the Site Plan are existing and which are proposed. Mr. Martin confirmed that the concrete pads are both currently existing, and that no new infrastructure is being proposed – just a repurposing of the existing facilities for a new "activity center" use.

Additionally, Commissioner Russell asked if the parking requirements were met. The proposed use would require 8 parking spaces, and the Minor Site Plan shows a total of 9 spaces being provided (with one of those being handicap accessible). However, Commissioner Russell was unsure if the

existing residence also needed to be served by its own (separate) dedicated parking spaces. If so, Z.O. Article 12, Section 7-6h requires 2 parking spaces per dwelling unit.

### **Staff Comments and Summary**

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This proposed use seems to be quite small in scale; and the applicant has stated that the membership levels are expected to be between 8 and 10 people. During the site visit, it was evident that the property is currently well-maintained, with careful attention to details of landscaping and landscape features.

With respect to the criteria for reviewing Special Use Permits, the Planning & Zoning Director does not feel that this proposed use, if approved, would be detrimental to the surrounding property owners and residences, and would not negatively alter the character of the area.

Specifically, the proposed use and project seem to be appropriate relative to the review criteria in Article 12, Section 3-2:

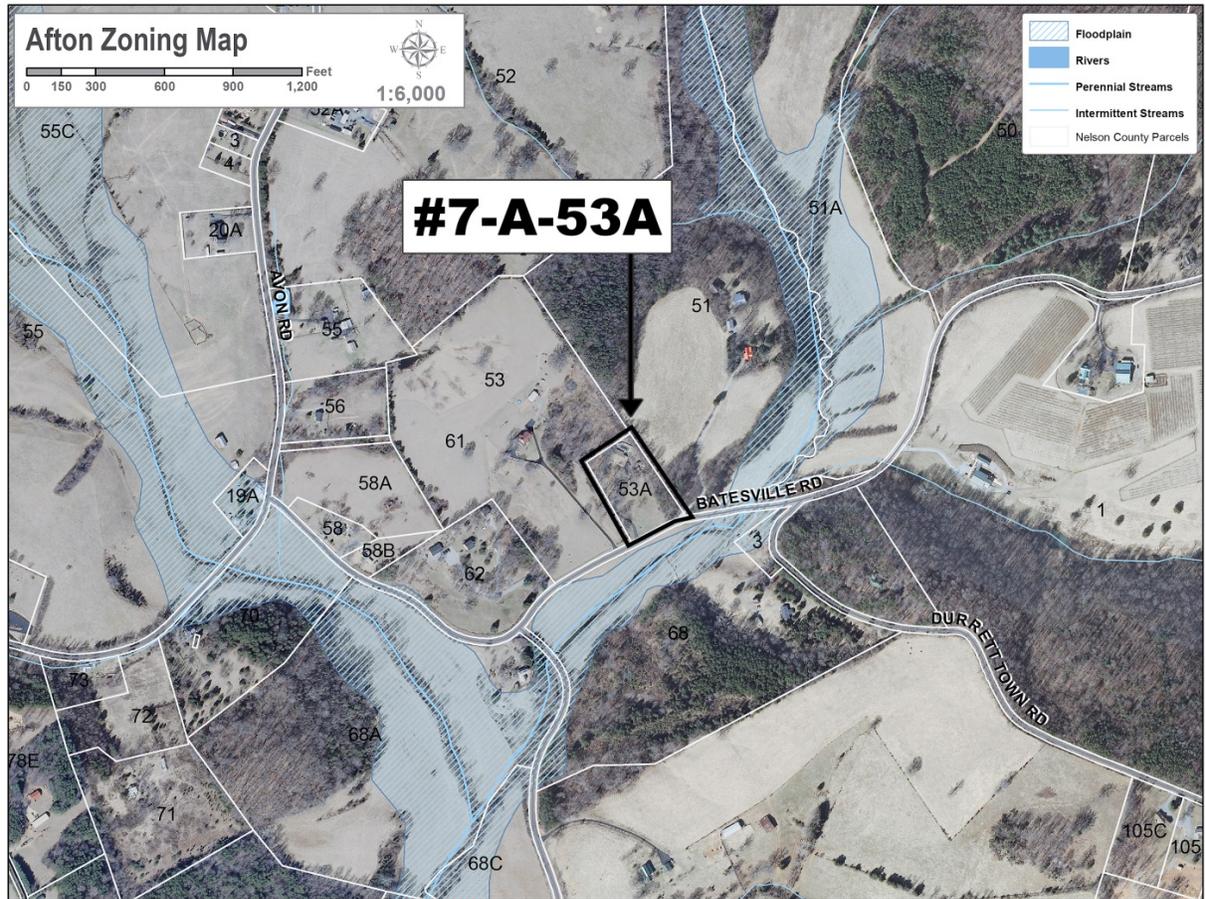
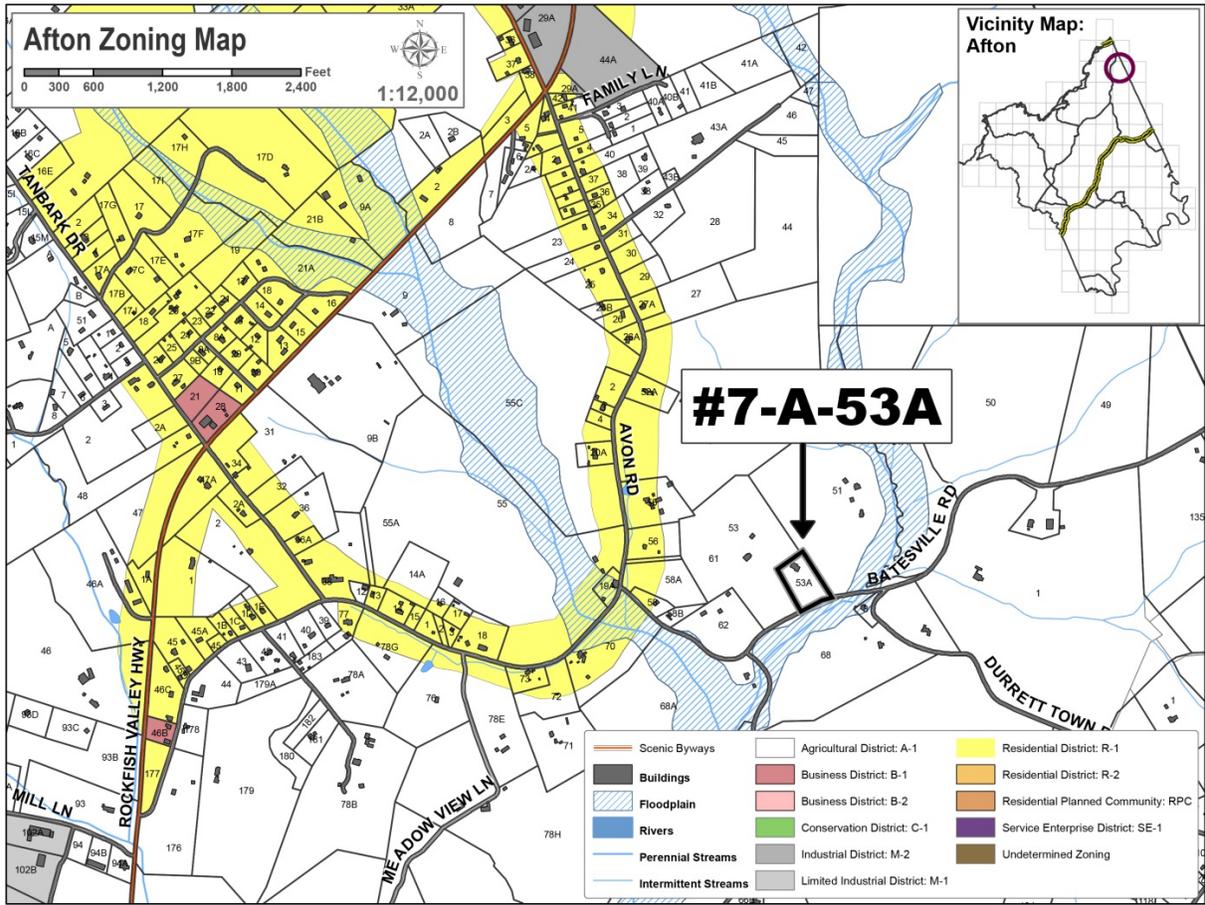
#### **12-3-2 *General Standards and Criteria for Special Use Permit Review.***

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 #2014-006 be approved, pending resolution of technical matters that have been raised by VDOT.

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 towards existing garage structure from Batesville Road.



View of existing garage structure from top of driveway.



Views of existing entrance.