DEPARTMENT OF
PLANNING & ZONING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission

From: Tim Padalino | Planning & Zoning Director

Date: September 23, 2015

Subject: Public Hearing for Special Use Permits #2015-07, #2015-07, and #2015-08 ("The Monarch" / Viridian Properties and Matthews Development Company)

Application Summary	
Site Address / Location:	559 Rockfish School Lane / Afton / North District
Tax Parcel(s):	#12-A-52
Parcel Size:	114.42 acres
Zoning:	Agricultural (A-1) with small area of General Floodplain overlay (FP)
Applicants:	Mrs. Wendy Summer (Viridian Properties, LLC) *and* Mr. Michael Matthews (Matthews Development Company LLC)
Request:	Approval of Special Use Permits #2015-04 to operate a small brewery pursuant to Article 8, Section 1-12a "Brewery"
▪ *Completed Applications Received On*: July 24th, 2015 ▪ The applications contain documentation of the property owners' consent pursuant to §12-3-4-a; please see signatures from Mr. Jeffrey Bergner and Mrs. Susan Bergner, Owners/Trustees. ▪ The applicant has noted that the reason for request is to "provide for the establishment of The Monarch, a Nelson County Inn and Farm." Please carefully review the application materials described below (the three SUP applications, the Minor Site Plan, and SUP Portfolio).	

On July 24th, the Department of Planning & Zoning received three (3) Special Use Permit (SUP) applications and supporting materials from Mrs. Wendy Summer of Viridian Properties and Mr. Michael Matthews of Matthews Development Company. Specifically, the submittal includes:

- Three (3) Special Use Permits as follows:
  - SUP #2015-07 requesting approval for "conference center" (pursuant to §4-1-13a)...
  - This requested special use would allow for the development and operation of private event spaces with overnight lodging, totaling approximately 45 rooms contained in multiple formats (such as cottages, multi-unit rustic outbuildings, and a main inn).

- SUP #2015-08 requesting approval for "restaurant" (pursuant to §4-1-34a)...
- This requested special use would allow for the development and operation of a full-service restaurant, totaling approximately 4,000 SF with 80 seats at tables plus 20 lounge seats.

- SUP #2015-09 requesting approval for "activity center" (pursuant to §4-1-44a)...
- This requested special use would allow for the development and operation of a spa, totaling approximately 2,500 – 3,500 SF.

- Minor Site Plan
  - These drawings portray the proposed configuration of the restaurant, spa, and inn (and associated cottages and outbuildings). The Minor Site Plan contains extensive details which are often not determined until the Major Site Plan, which is an indication of the amount of due diligence that the applicants have already undertaken. The Minor Site Plan includes the following sheets:
    - C-1 – Cover Sheet
    - C-2 – Overall Wastewater Collection & Treatment Concept Plan (1" = 100' scale)
    - C-3 – Master Plan (1' = 120' scale)
    - C-4 – Plan Enlargements A-D (1" = 30' scale)
    - C-5 – Disturbed Area Plan (1" = 100' scale)
    - C-6 – Aerial Topography Plan (showing 2' contours at 1" = 100' scale)

- SUP Portfolio (supplemental packet)
  - This document provides extensive details using both narrative explanations and graphic exhibits. It contains the applicants' statements about the proposed project's appropriateness and compatibility (and contains other responses to SUP evaluation criteria as specified in Zoning Ordinance §12-3.)

Other application considerations, as excerpted from the SUP portfolio, include the following:

- "Since The Monarch is a comprehensive planned development, all three special use permit applications are needed for the plan to be viable. We request that all three be viewed as a "package" and considered jointly rather than [separately] in any final action."
- "Section 12-3-8-b provides that the Board of Supervisors may set a timetable for the establishment of the use on the property, and if none is specified, the limit shall be within twelve months. We are requesting that the Special Use Permits provide for a minimum of twenty-four months to establish the use based on the expected time to complete the design of the project and then construct the buildings. We anticipate the design time to take eight to twelve months, and construction approximately a year."
- "Although not the subject of this application, it is expected that a request for consideration of a stream crossing (requiring a Special Use Permit for activities within the floodplain) for the main entrance pursuant to Section 10 of the ordinance will be submitted when the major site plan is developed."

Subject Property Location, Characteristics, and Comprehensive Plan Designation:

- The subject property is located in the Greenfield area of Afton at 559 Rockfish School Lane, further identified as Tax Map Parcel #12-A-52. This 114-acre property is zoned Agricultural (A-1) with a relatively small area of General Floodplain overlay district (FP) along Paul's Creek. It is

currently in pasture and is primarily undeveloped, with the exception of a dwelling and agricultural outbuildings. *Please see maps on pages 6-9.*

With regards to the "Future Land Use Plan" in the *Nelson County Comprehensive Plan*, the Greenfield area is designated a "Rural Residential District Model." This district "would allow low density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use."

Site Plan Review Committee Comments:

The Site Plan Review Committee reviewed the Minor Site Plan (dated July 24) for this SUP application on August 12th, which produced the following review comments:

- VDOT: Mr. Jeff Kessler, Virginia Department of Transportation representative, attended the meeting and provided the following review comments in writing on August 13th:
  - "As discussed during our August 12, 2015 meeting of the Nelson County Site Plan Review Committee, VDOT will require additional information regarding traffic generation and the resulting impacts to our highway system in order to provide comments to Nelson County on this special use permit application. At a minimum, a VDOT Traffic Impact Statement (ref: 24VAC30-155-60) will be required. The information provided by this document will inform us of the expected impacts to Route 635, and the intersections of 151/636 and at Route 151/6. It will also provide the developer with early guidance regarding their entrance requirements and identify any potential roadway related improvements. Once we have reached agreement with the developer's engineer on the projected traffic to be generated by this development, we will be able to determine the level of Traffic Impact Statement that will be required, and if a Traffic Impact Analysis can be ruled out."

  On August 20th, the applicants submitted to VDOT (through their consultant Mr. Erich Strohhacker of Green Light Solutions, Inc.) the requested traffic statement. In response, VDOT provided written comments on September 1st as follows:

  - "...we feel weekend traffic will be the highest generator and therefore, request that you add Saturday's 2-Way Volume and Saturday's Peak Hour Volumes for each Land Use listed on Table 1 of your analysis. In addition, day traffic generated by the conference center will also need to be addressed. Once these two items are included in the trip generation analysis, the report will be acceptable. Please provide me with the revised report. No further review will be necessary."

  The applicants have been continuing to focus on these requirements from VDOT, and have indicated that they will provide an update during the PC review on September 29th.

- TJSWCD: Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District indicated that an approved Erosion & Sediment Control Plan and an approved Stormwater Management Plan would be necessary, subsequent to any SUP approval by the BOS.

- VDH: Mr. Tom Eick of the Nelson County Health Department attended the meeting and provided written comments as follows:
  - "VDH requires commercial developers to enlist the services of Onsite Soil Evaluators (OSE) to provide soil evaluations and system design for onsite sewage treatment and disposal. In addition, a Professional Engineer (PE) is required whenever the waste stream to be generated exceeds residential strength waste, as it would from a restaurant."
  - The VDH Office of Drinking Water would need to regulate the construction and operation of any well on the property that is determined to meet the minimum use requirements of a public waterworks, namely, 25, or more people using water from a well, 60, or more, days per year."

  Please also note that, as shown in the application materials, the following due diligence has been performed by the applicants:

  - Drainfield areas and estimated percolation calculations were prepared by Roger Nelson (Air, Soil, and Water Environmental, LLC) during May 2015.
  - Preliminary hydrogeological analysis report was completed by True North Environmental, LLC on July 17, 2015.

Staff Evaluation and Recommendation(s):

Per Zoning Ordinance Article 12, Section 3-2, the following criteria must be evaluated when reviewing all requests for Special Use Permits:

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.

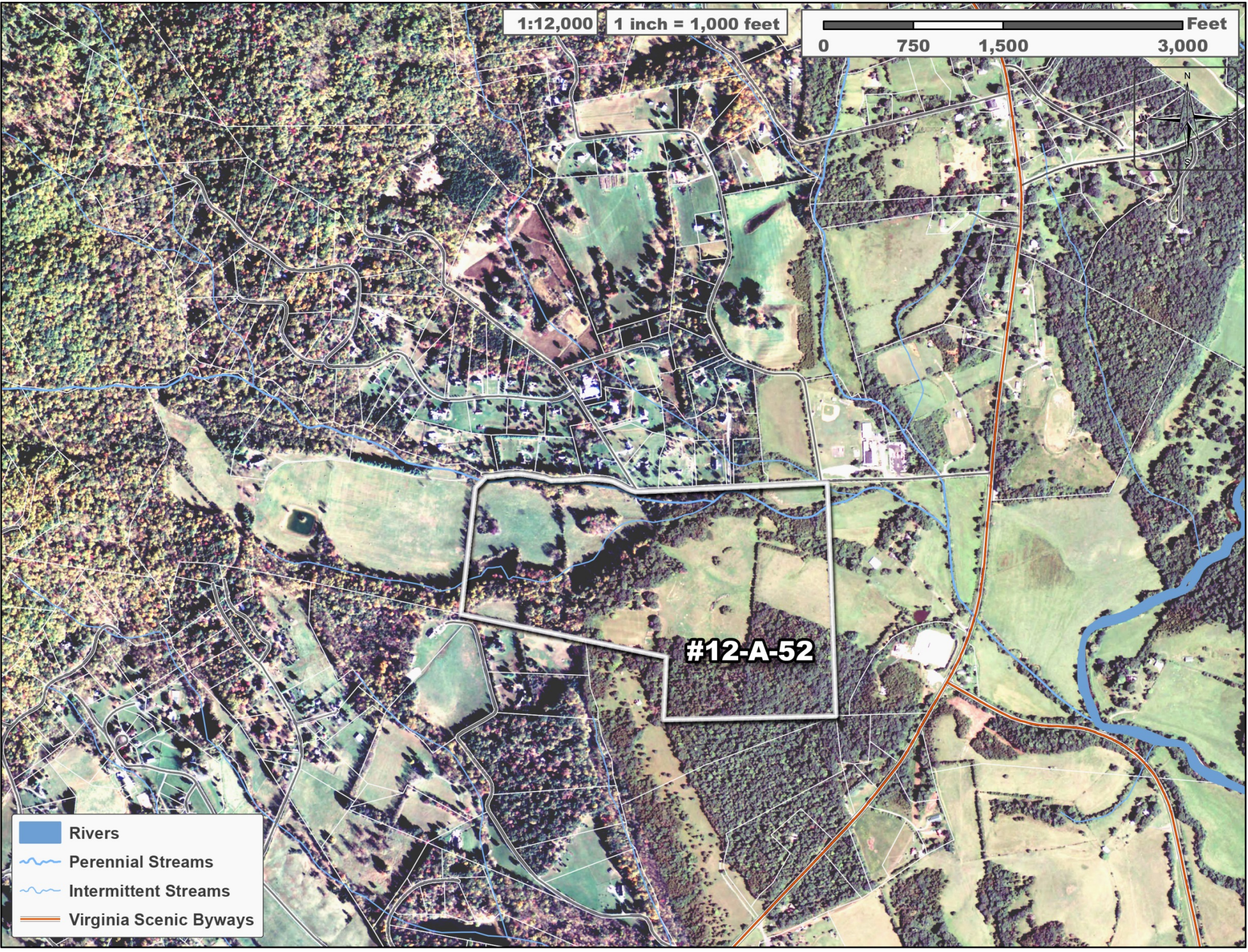
The opinion of Staff is that the proposed project, as detailed in the application materials for SUP #2015-07, #2015-08, and #2015-09 and as depicted on the accompanying Minor Site Plan and in the Portfolio, seems to be satisfactory relative to all four evaluation criteria. Therefore, the Planning & Zoning Director recommends approval of Special Use Permits #2015-07, #2015-08, and #2015-09. Please also carefully consider the following comments:

- If the applicants obtain BOS approval for their three (3) Special Use Permit applications, they would then have to address numerous important project details through the submission, review, and approval of a Major Site Plan. These details include signage, lighting, landscaping, and other specifications and design details. The applicants have confirmed their awareness of these requirements, and have conveyed their intentions for all design details to be tasteful, appropriate, and compliant with all applicable Ordinance provisions and regulations.

- The applicants are also fully aware that, if the project is approved, the proposed entrance would require the issuance of a SUP for "floodplain development" from the Nelson County Board of Zoning Appeals.

- The ongoing and as-yet-incomplete coordination with VDOT, including VDOT's final analysis and recommendations regarding the proposed project, is an important factor that must be considered by the County. The applicants have taken this transportation issue very seriously and have been very responsive to VDOT's initial review comments; and the ongoing coordination regarding the revised traffic impact statement report should provide clarity with respect to the project's potential impacts on the public road system.

In conclusion, please contact me with any questions, concerns, or requests for assistance leading up to the September 29th Planning Commission public hearings for Special Use Permits #2015-07, -08, and -09. Thank you very much for your time and attention to these applications.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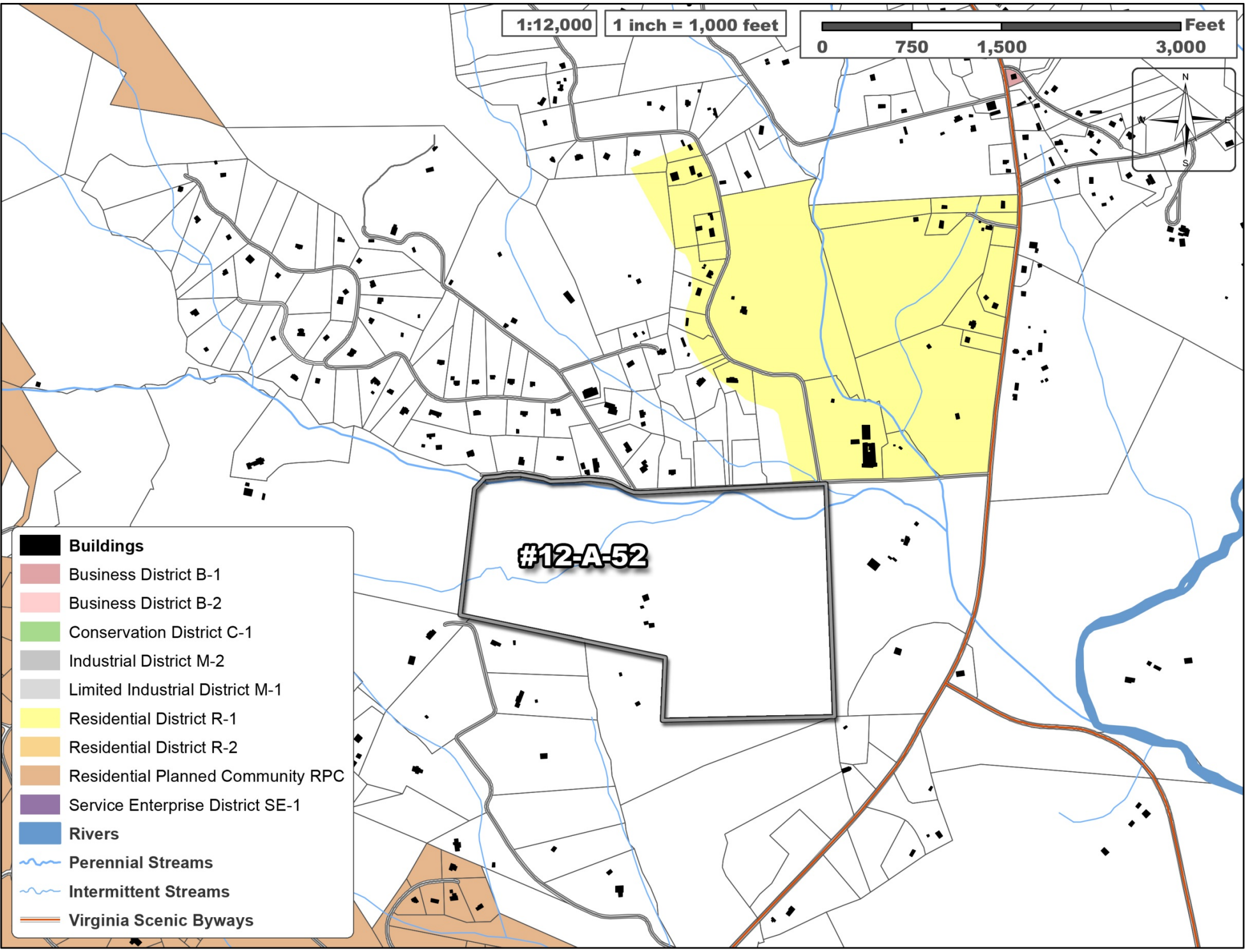
Virginia Scenic Byways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Buildings
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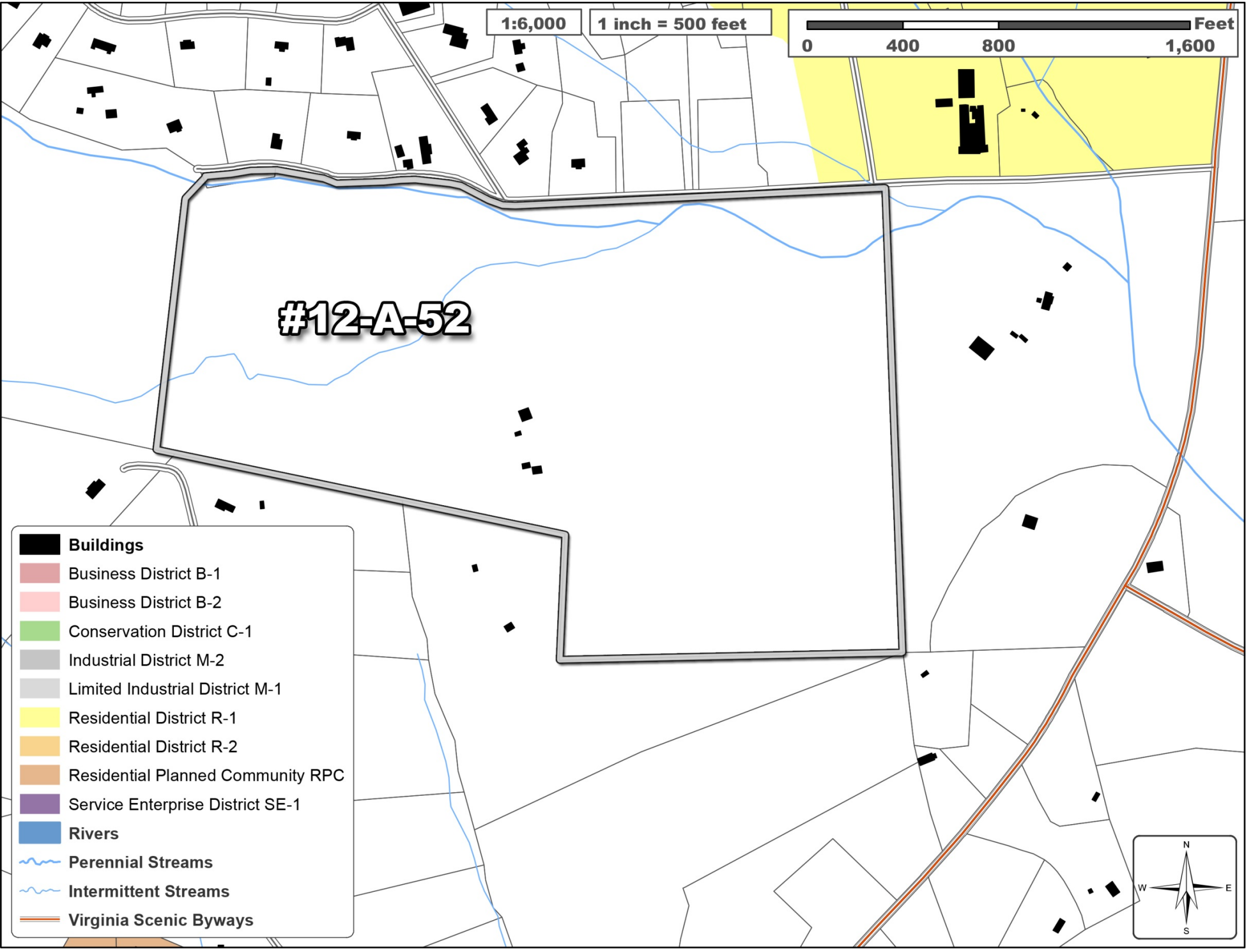
Business District B-2
Conservation District C-1
Industrial District M-2
Limited Industrial District M-1
Residential District R-1
Residential District R-2
Residential Planned Community RPC
Service Enterprise District SE-1
Rivers
Perennial Streams
Intermittent Streams
Virginia Scenic Byways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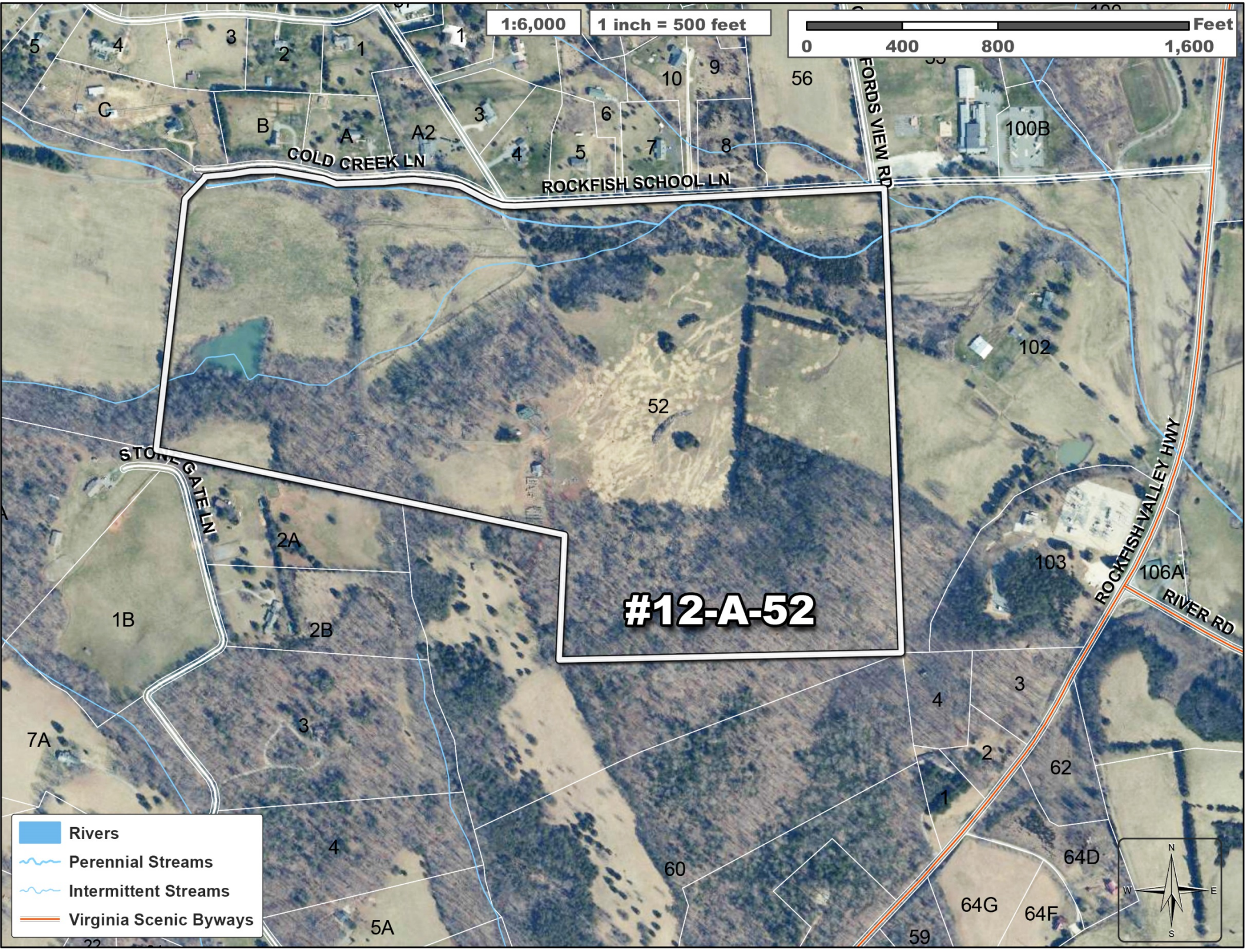
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STONEGATE LN
ROCKFISH VALLEY HWY
RIVER RD
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<u>Above</u>: Panoramic photo showing the vista of the Rockfish Valley.
<u>Below</u>: Photos showing the existing dwelling (left) and the farm entrance road (right).