

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: June 10, 2014

Subject: Staff Report for Site Plan #2014-002 (Blakeslee Intentional Community / “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: Approval of Major Site Plan #2014-002 / application made pursuant to §13-1-1 (#1) in conjunction with a proposed by-right permissible use (§4-1-21, “Intentional Community”)

Application Overview

The Department of Planning & Zoning received an application on May 27th from Mr. Duane and Mrs. Lisa Blakeslee, seeking approval for Major Site Plan #2014-002, to develop an Intentional Community on Adial Road. 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 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 cabins within an intentional community.” The Site Plan further identifies the proposed project as “Adial Cabins.”

The Nelson County Zoning Ordinance defines “intentional community” as follows:

Intentional Community: A tract of land developed or to be developed as a unit under single ownership, including, but not limited to ownership by a group of

people or a corporation, or unified control which is to contain three (3) or more residential dwelling units.

The Nelson County Zoning Ordinance defines “dwelling” as follows:

Dwelling: Any building which is designed for residential purposes (except apartment houses, boardinghouses, dormitories, hotels and motels).

With consideration to the definition of “intentional community” being comprised of “dwellings” as the primary use, this “Adial Cabins” project is not eligible for consideration as an “intentional community.” That conclusion is based on the applicant’s description (at the June 11th Site Plan Review Committee meeting) of the project being designed for short term lodging accommodations for tourist and other visitors.

The main determinant of this project not being a permissible by-right use as an “intentional community” is the temporary nature of the Adial Cabins accommodations (for overnight lodging on a short-term basis), as compared to the longer-term residential nature of a “dwelling” (which is either owner-occupied or occupied by a tenant under longer-term lease). Note the explicit exclusion of temporary lodging facilities from the definition of “dwelling.”

Instead, the project (as submitted) would require a Special Use Permit (SUP) for “Motels, hotels” pursuant to §4-1-25a and pursuant to the definition of “Motel,” which is defined 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.

With regards to that issue, please note that the Planning Commission is not expressly enabled to approve a Site Plan for a proposed use that requires a SUP, until the required permit is obtained by the applicant from the Board of Supervisors. This sequential process of acquiring an approved SUP prior to Site Plan submission, review, and approval is codified in §12-3-7:

Upon approval of the [Special Use Permit] application by the Board of Supervisors, a Preliminary and Final Site Plan, if required, shall be filed with the Planning and Zoning Director and reviewed by the Planning Commission pursuant to Section 13-5 of this Chapter.

Although it has been determined that this Major Site Plan cannot be approved at this time, the comments from the Site Plan Review Committee are provided below, as that review has already taken place.

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.

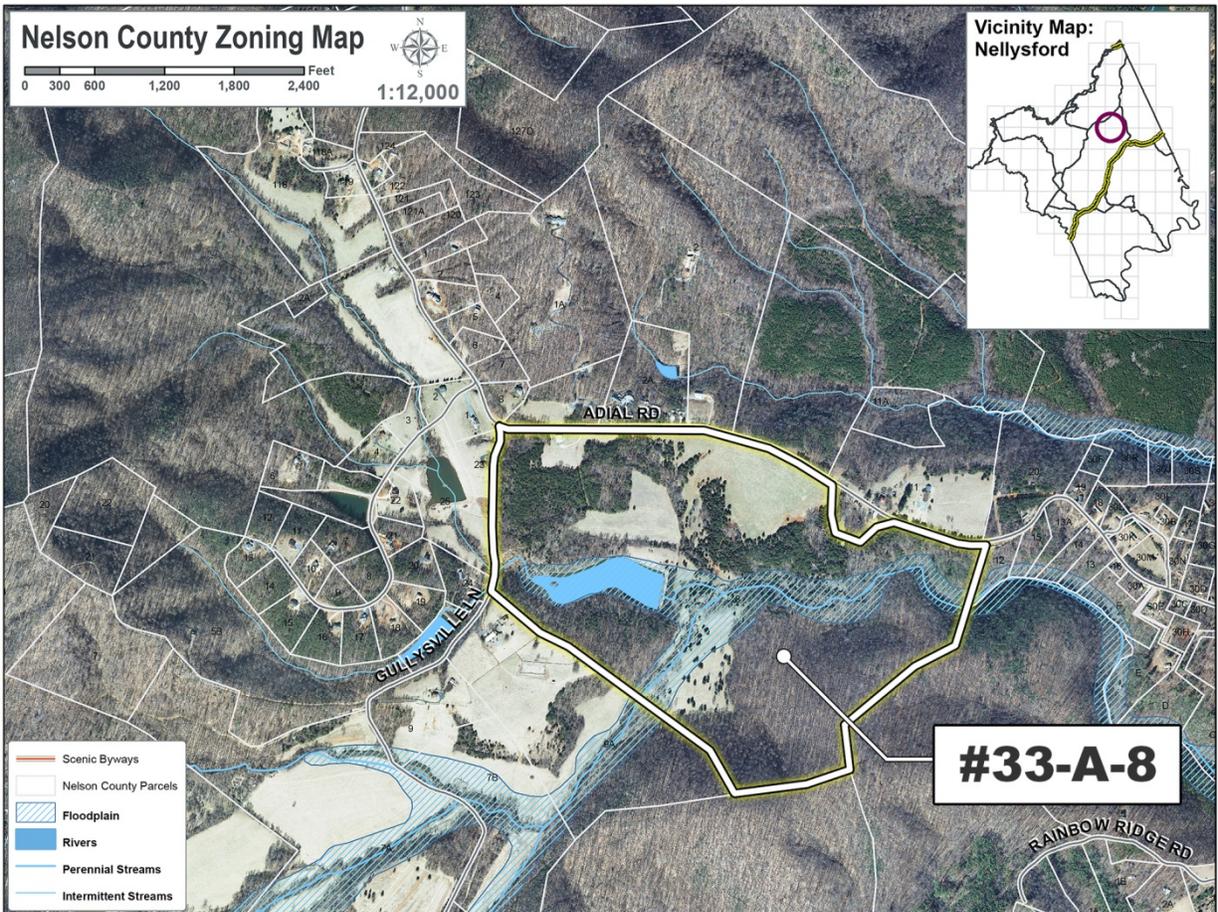
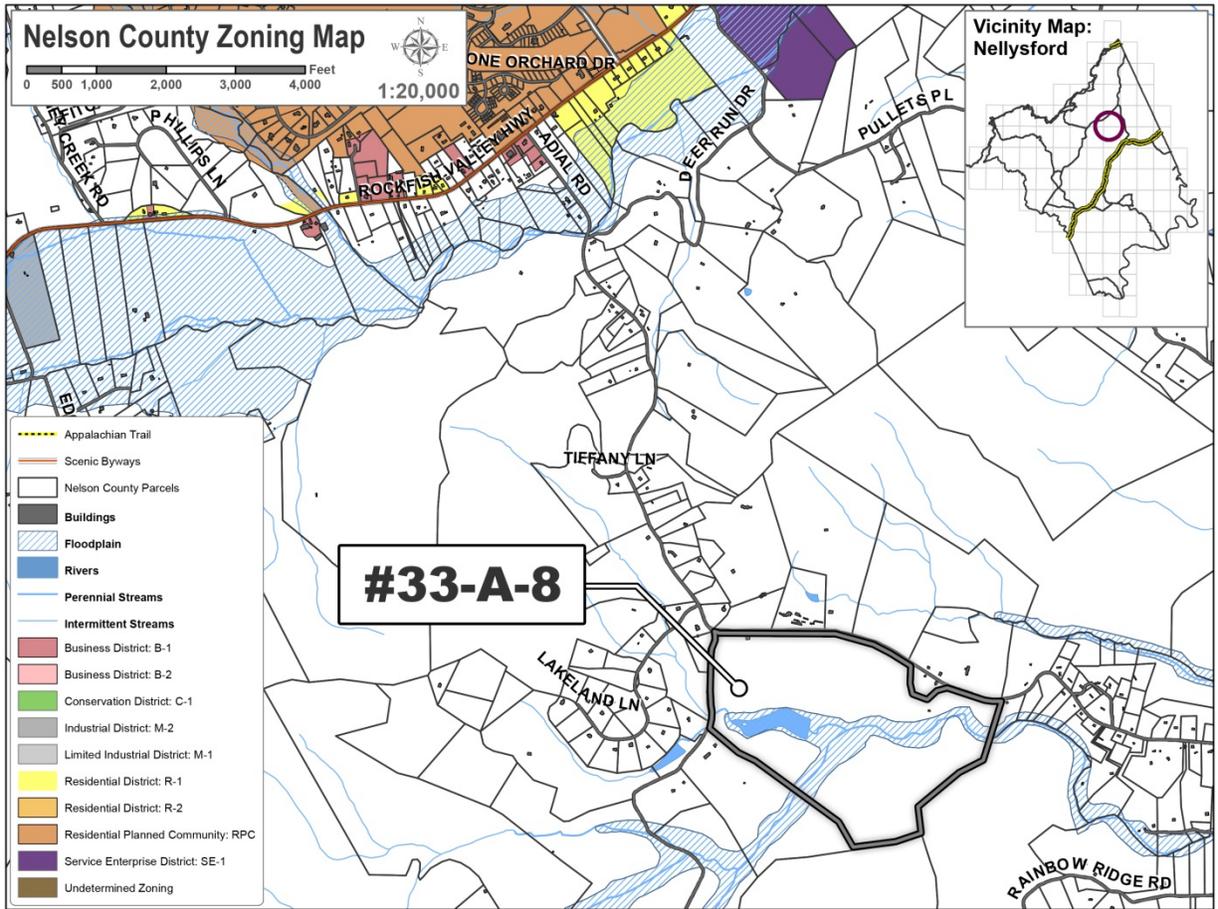
Nelson County Planning Commission: Mrs. Linda Russell's comments and questions were limited, and primarily pertained to the question of whether the proposed project could be processed as an "intentional community" by-right, or if a Special Use Permit was necessary based on the proposed use of the cabins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

Summary

In summary, County staff have determined that this Major Site Plan cannot be approved by the Planning Commission, because it proposes a Special Use for which a Special Use Permit has not been obtained. County staff will remain available to provide ongoing guidance and assistance, at the request of the applicant, regarding how to move the project forward.

Regarding the Site Plan content, the proposed project (as submitted) appears to be mostly compliant with the Major Site Plan checklist. The applicant will need to continue working with the TJSWCD to obtain an approved E&S Control Plan, and will need to continue to work with VDOT to address the comments provided by Mr. Kessler. And as noted by Mr. Thompson, the project will also need to obtain VSMP permit coverage from DEQ if the area of disturbance is greater than one (1) acre.

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.