



To: Chairman and Members, Nelson County Planning Commission

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

Date: January 15, 2014

Subject: Elk Rock Meadow Subdivision: Final Plat Review (Elk Mountain Land Company)

The Department of Planning & Zoning received an application on December 19, 2013 for consideration of a Final Subdivision Plat. This application was submitted by Elk Mountain Land Company, LLC, which is also the property owner. The applicant previously had a Preliminary Plat for the same project approved by both the Nelson County Planning Commission and the Nelson County Health Department (under the name "Elk Rock Orchard Subdivision").

The applicant proposes a division of properties pursuant to §5-5 "Final Plat" of the Nelson County Subdivision Ordinance and §4-2-1 of the Nelson County Zoning Ordinance.

The site is located in the Afton area on Tax Map Parcels #2-A-1C, 3-A-82C, and 3-A-82D (Figure 1). These parcels are a combined total area of 80.86 acres, and are zoned Agricultural (A1) (Figure 2).

These parcels are located in Afton on Howardsville Turnpike, approximately 1.2 miles from Route 250 (to the north) and approximately 0.25 miles from the Blue Ridge Parkway (to the south). The site is across the road from Swannanoa Golf and Country Club, and is also adjacent to the Blue Ridge Parkway along the property's eastern boundary.

The Site Plan Review Committee met with the applicants on January 8th. Two Site Plan Review Committee members, Mrs. Alyson Sappington (representing TJ Soil and Water Conservation District) and Mr. Tom Eick (representing Nelson County Health Department) had previously provided their agency's approvals of this proposed subdivision. Committee members identified a small number of minor issues, all of which were incorporated into the applicant's resubmittals of revised plats. Specifically, the revised plats contain the following requested revisions, as explained by Mr. Brian S. Ray, L.S.:

County Comments:

1. We have added "to Nelson County for public use" to the two areas being dedicated along State Route 610.
2. We have drawn the actual setback lines on each lot. Please note that the owner has elected

to make many of the setback more restrictive than the zoning requirements.

3. We have added the distance from the proposed entrance to the off-site dry hydrant.

VDOT Comments:

1. We have changed the VDOT signature block to include the wording requested.
2. See county comment number one above, the notation has been changed.
3. We have added the distance to the nearest State Road intersection.
4. We have added the one culvert that passes beneath Route 610 to sheet 4. It lies just South of Azalea Drive.
5. We have also attached the requested check list.

The applicant has also submitted a copy of the proposed road plan and profile drawings, as required by §5-5-D-1 and §5-5-D-2. The applicant has also provided the requested infrastructure cost estimate from Haley, Chisholm & Morris, Inc., to be utilized in estimating the amount of the bond for the private streets, which is required by §4-2-B of the Subdivision Ordinance.

Finally, please note that with the prior approval of the Preliminary Plat, the six-month deadline for filing the Final Plat with the County was set for June 19, 2013. However, on June 13, 2013 the applicant requested a six-month extension (until December 19, 2013), which was granted and subsequently met by the applicant. Please also note that this project received an exception to §4-5 “*Fire Protection*” from the Board of Supervisors on December 19, 2012, allowing this project to utilize an off-site dry hydrant for fire protection purposes. Copies of both the approved extension and the approved exception are included with this report.

In conclusion, and in consideration of the plat being in conformance with the Subdivision Ordinance and Zoning Ordinance, County staff recommend that the Planning Commission consider approving this proposed Final Plat for Elk Rock Meadow Subdivision.

Please contact me if you have any questions about this report or the application itself. Thank you.



Figure 1. This aerial image shows the location of the Tax Map Parcels that comprise the proposed Elk Rock Meadow Subdivision: Tax Map Parcels #2-A-1C, 3-A-82C, and 3-A-82D. (Note: The County's mapping data shown here only lists lots "1C" and "82.")

The map also shows Swannanoa Golf and Country Club, the Blue Ridge Parkway, and the Appalachian Trail.

The inset vicinity map identifies the location of the property relative

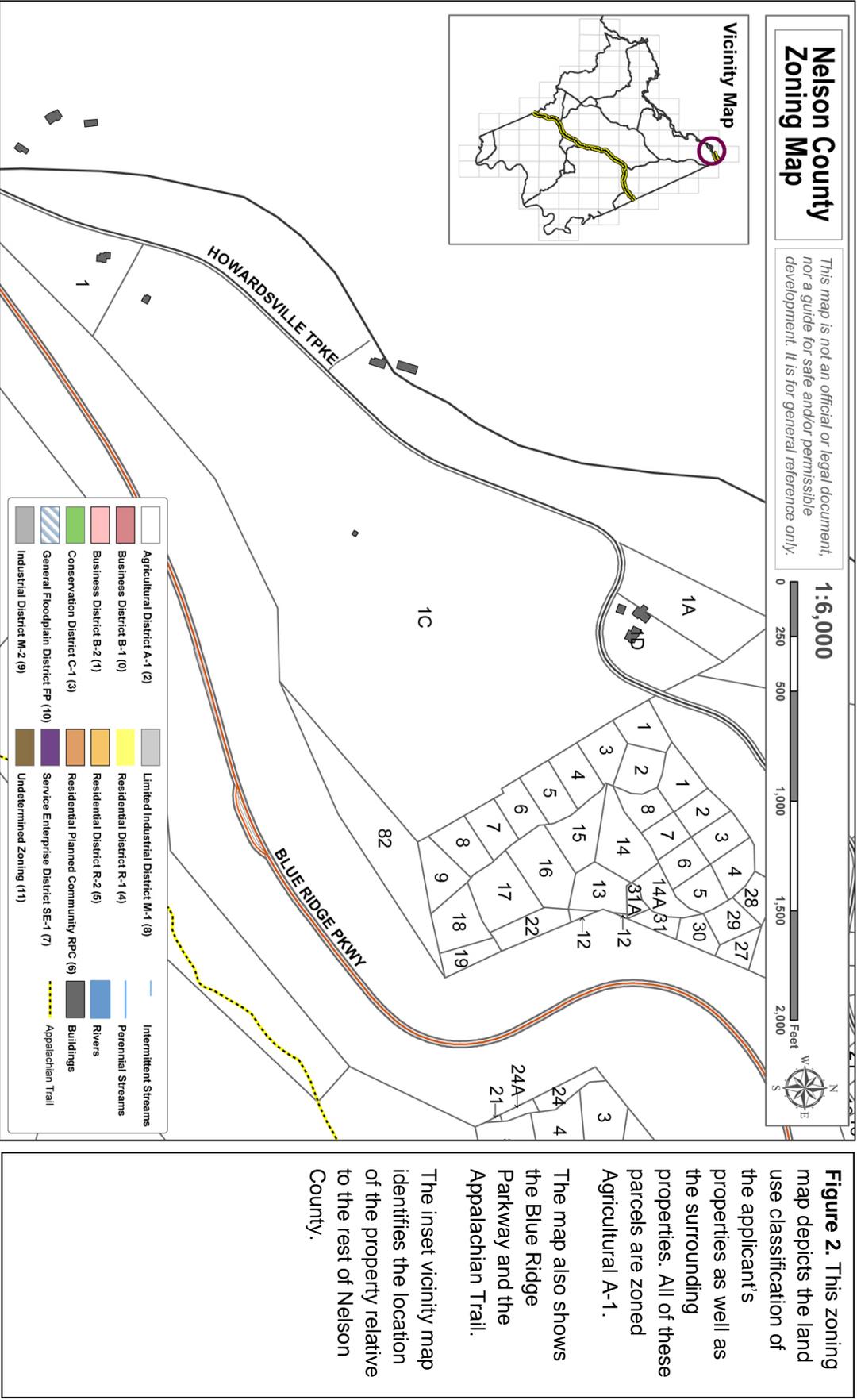


Figure 2. This zoning map depicts the land use classification of the applicant's properties as well as the surrounding properties. All of these parcels are zoned Agricultural A-1. The map also shows the Blue Ridge Parkway and the Appalachian Trail. The inset vicinity map identifies the location of the property relative to the rest of Nelson County.



DEPARTMENT OF
PLANNING & ZONING

FILE COPY
PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Mr. Brian Ray, L.S. | Roger W. Ray & Assoc., Inc.
CC: Mrs. Philippa Proulx | Chair, Nelson County Planning Commission
From: Tim Padalino | Director | Nelson County Department of Planning & Zoning
Date: June 17, 2013
Subject: Request for Extension / Elk Rock Orchard Subdivision

Mr. Ray,

I am writing this letter in response to your request for an extension to the upcoming June 19, 2013 deadline regarding the Elk Rock Orchard Subdivision Final Plat. This request was received via email on June 13.

Per Section 5. "Platting" of the Nelson County Subdivision Ordinance, the Agent may grant an extension to the 6-month deadline. The codified language for that provision is as follows:

"5-5 Final Plat.

A. When to File Final Plat. A developer/subdivider shall file, within six (6) months after approval of the preliminary plat, in the office of the Agent, a final subdivision plat prepared in accordance with this Ordinance. Failure to do so shall render approval of the preliminary plat null and void. On written request by the developer/subdivider, the Agent, in his discretion, may grant an extension of this filing requirement, not to exceed six (6) months."

Considering your ongoing efforts, which are described in your request for extension letter, I am granting your requested six month extension under the authority contained in Section 5-5-A of the Subdivision Ordinance. As a result, the new deadline for filing a Final Plat to the Nelson County Department of Planning & Zoning is December 19, 2013.

Thank you very much for your time and attention; and please feel free to contact this Department with any questions or concerns or other issues as you move forward.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Padalino", with a stylized flourish at the end.

Timothy M. Padalino | Director | Department of Planning & Zoning

tpadalino@nelsoncounty.org | 434-263-7090



FILE COPY

DEPARTMENT OF
PLANNING & ZONING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

Subject: Addendum to Approved Preliminary Subdivision Plat -- Elk Rock Orchard Subdivision

Author: Tim Padalino | Planner | Nelson County Department of Planning & Zoning

Date: June 17, 2013

In conjunction with the preliminary plat for Elk Rock Orchard Subdivision, a request for an exception was formally submitted to Mr. Fred Boger, Nelson County Director of Planning & Zoning, on November 27, 2012 by Mr. Brian S. Ray, L.S., of Roger W. Ray & Associates, Inc. At the December 19, 2012 meeting of the Nelson County Board of Supervisors, the Board approved the applicant's request for an exception to Subdivision Ordinance Article 4-5-B, "Fire Protection. Dry Hydrants." That requirement states that:

"Where public water is not available and the subdivision contains fifteen (15) or more lots, any one of which is five (5) acres or less in area, the developer/subdivider shall provide both a dry hydrant with a natural or man-made water source meeting the specifications contained in the National Fire Code for the subdivision density and an all-weather access road to the same."

Mr. Ray's request for an exception is attached to this addendum. In it, he notes the existence of a dry hydrant "just to the northeast of the site," located on Howardsville Turnpike. The applicant's preferred plan is to have dedicated access to this nearby off-site dry hydrant (pond), in part because it is a "more reliable source." This plan was reviewed by Mr. Tommy Harvey in his role as Chief of the RVVFD. Mr. Harvey endorsed this request with his signature.

This addendum shall remain on file with the Elk Rock Orchard Subdivision Plat in accordance with Section 7-1 of the Nelson County Subdivision Ordinance, which requires that:

"Any exception so authorized shall be set forth in a written statement by the Governing Body detailing the reason for the exception and files as an addendum with the final plat."

Approval: Stephen A Carter
Mr. Stephen A. Carter, County Administrator

6/19/2013
Date

Approval: Tim M Padalino
Mr. Timothy M. Padalino, Planning and Zoning Director

6/19/2013
Date

No. _____

TO THE ZONING ADMINISTRATOR:

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- Rezoning from _____ to _____
- Special Use Permit
- Site Plan - Preliminary (Optional)
- Site Plan - Final
- Amend text of Zoning Ordinance
- Subdivision - Regular Preliminary
- Subdivision - Regular Final
- Site Plan - Minor
- Site Plan - Major
- Other - _____

Pursuant to Article 4, Section 2-1 of the Nelson County Zoning Ordinance.
Pursuant to Section 5, Subsection 5 of the Nelson County Subdivision Ordinance.

Reason(s) for request: DIVISION OF TAX MAP 2-A-1C +
TAX MAP 3-A-82C + 82D

2. Applicant(s) and Property Owner(s): (Please print names of applicants and property owners and indicate applicable title. If applicant is not the property owner, show relationship, i.e. lessee, contract purchaser, etc.)

- Applicant Property Owner Name: ECK MOUNTAIN LAND COMPANY
Address: 40 MARGARET V. BLACKMON 4486 HOWARDSVILLE TURNPIKE, APT 201, VA 22920
Tel. No.: 404-377-5929 Cell No. 434-603-1941 E-mail addr. MARGARETBLACKMON@GMAIL.COM
Relationship (if applicable): mail = 1808 Artillery Ridge Rd.
 - Applicant Property Owner Name: Fredrick & Berg, OVA 22408
Address: _____
Tel. No.: _____ Cell No. _____ E-mail addr. _____
Relationship (if applicable): _____
 - Applicant Property Owner Name: _____
Address: _____
Tel. No.: _____ Cell No. _____ E-mail addr. _____
Relationship (if applicable): _____
 - Applicant Property Owner Name: _____
Address: _____
Tel. No.: _____ Cell No. _____ E-mail addr. _____
Relationship (if applicable): _____
- (Use reverse if more space is needed.)

3. Location and Characteristics of Property:

- a. Address of property including specific location, route numbers, street names, direction (NSEW), Magisterial District, etc.: ON STATE ROUTE 1010, HOWARDSVILLE TURNPIKE
ROCK FISH MAGISTERIAL DISTRICT
Official tax map number: TM 2-A-1C, TM 3-A-82C + TM 3-A-82D
- b. Acreage of property: 80.86 AC.
- c. Present use: AGRICULTURAL
- d. Present zoning classification: A-1
- e. Zoning classification of surrounding properties: A-1

(Continued on reverse.)

4. Names of Adjacent Property Owners: THE UNIVERSITY OF SCIENCE + FIHLO SOCIETY,
MARGARET V. BLACKMON, TRUSTEE, SWANANAMOA COUNTRY CLUB, LLC,
CLIFTON FORGIE - WAYNESBURG TELEPHONE CO., THOMAS E + MYRA M. BROWN, &
TOMMY L. + SARAH H. FEALOUSON

5. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: Margaret Vandemon Blackmon
 Signature: _____
 Signature: _____
 Signature: _____

6. Additional information: _____

7. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement. The fee will be based on the actual cost of the ad, and will not apply in cases of Planning Commission or Board of Supervisor deferments.

*****TO BE COMPLETED BY PLANNING & ZONING OFFICE*****

Completed application and fee (\$ _____) received on _____

Hearing Notice published on _____

Planning Commission action: Date of Hearing: _____

Recommendation: _____

Board of Supervisor action: Date of Hearing: _____

Date of Decision: _____

Action: _____