

Franklin County Planning Commission and Board of Supervisors
Staff Report
October 9 and October 23, 2007
Special Use Permit

Petitioner: Lakewatch Utility Company (Owner: Edward C. Park III)

Owners: Same

Size of Parcel(s): +/- 2.107 acres

Size of Request: +/- 2.107 acres

Magisterial District: Gills Creek

Tax ID: Map #15 Parcel #42 (portion of); service extended to Tax Map #30 Parcels# 17, 19.1, 20, 46, 47, and 60 and Tax Map# 15 Parcel #39 (portion of)

Zoning/Use Request: **A Special Use Permit to increase the capacity of existing sewerage plant facility to serve increased service area**

Current Zoning: Planned Commercial Development (PCD). Rezone +/- 576 acres from Agricultural (A-1) to Residential Planned Development District (RPD) has been filed concurrently with this request (service area.)

1. Nature of Request & Background

The petitioner is requesting a Special Use Permit to increase the capacity of an existing sewerage plant facility to allow for the extension of service area to include tax map/parcel #30.-17; #30.-19.1; #30.-20; #30.-46; #30.-47; and #30.-60, and portion of #15.-39 (located on the southeast side of State Route 122.)

The request would increase the capacity of the existing sewerage treatment plant facility from 150,000 gallons by 300,000 gallons for a total of 450,000 gallons.

2. Applicable Regulations

Sec. 25-2 Purpose and intent of the Zoning Ordinance

Sec. 25-35 General usage terms

Sec. 25-40 Principal definitions of the Zoning Ordinance

Sec. 25-177 through Sec. 25-188, Agricultural District (A-1)

Sec. 25-293 through Sec. 25-311, RPD (Residential Planned Development District)

Sec. 25-481 through Sec. 25-486 Corridor Overlay District

Sec. 25-638 through Sec. 25-645, Special Use Permits

3. **Site Characteristics**

- a. Ground Cover: Pasture, hardwoods, and pines.
- b. Slope: Slopes on the entire +/- 605 acres range from 3% to approximately 16%. There is approximately 200 feet of total elevation change from Route 122 to Smith Mountain Lake.
- c. Special Features: The Franklin County Board of Supervisors approved a Special Use Permit (Case #U 07-04-01) for a temporary Vegetative Waste Recycle Facility to be located on the subject property. This facility was approved with a maximum life span of five years.

4. **Land Use Compatibility**

a. Surrounding Uses

North: Lakewatch Plantation/Route 122

East: Vacant/Residential

South: Vacant/Residential

West: Business/Residential

b. Adjacent Zoning Districts

North: PCD

East: A-1

South: A-1

West: B-2 and RPD

c. Site Layout:

The proposed service addition is shown on an amended concept plan developed by the petitioner dated September 15, 2007, which includes the location and size of the proposed uses and buildings. The petitioner proposes a five (5) story one hundred room condominium structure near Smith Mountain Lake. A two thousand square foot spa and pool facility, outdoor tennis courts, and a 24,000 square foot two (2) story community center will be constructed adjacent to the condominium building. The developer proposes a boat ramp and courtesy pier or fifty (50) boat docks along the waterfront.

The concept plan also includes an eighteen-hole golf course with club house, pro shop, putting greens, tennis courts, and driving range.

There is an existing pond with a gazebo that will be utilized for fishing, paddle boating, canoeing, picnicking, and nature viewing. In addition, a centrally located pond will be created to serve as a wake board cable park. A pro shop and restaurant will be associated with the wake board cable park.

The residential component of the project consists of a five (5) story, 100-unit condominium building, seventy-one (71) single family homes, one hundred and fifty nine (159) patio homes, ninety-four (94) cottages, two hundred and eight (208) villas

which will be served by private roads with gated access, three hundred and seventy-two townhouses (372), and thirteen (13) two-story buildings with a total of one hundred, fifty-two (152) condominium units, and one hundred and ninety (190) motor coach lots. All combined equals a total of 1346 residential units.

The petitioner has not provided any detailed information relating to the sign height, square footage and style.

Please reference Concept Plan prepared by Phillip W. Nester dated June 1, 2007, last revised September 15, 2007.

Open Area Requirements: N/A

- d. Architecture: The surrounding uses include both one-story and two-story frame and brick buildings. The existing structures on-site are primarily related to agricultural operations. The proposed residential buildings range from single family homes, cottages, villas, condominium units, and townhouses to a motor coach RV Park. Proposed facades include the use of rock and other complementing forms and materials to match the surrounding community.
- e. Screening and Landscaping: A 20' wide and +/- 10' high landscaping berm with planted trees is proposed to be installed along Route 122. The berm will be located a minimum of fifty-five feet from the centerline of Route 122 to allow for future road widening. The concept plan indicates several open spaces and landscaping along the private roads.
- f. Historic Features – The property is not adjacent to any registered historical landmarks.

5. **Transportation:** see VDOT comments below.

6. **Utilities**

- a. Water: The proposed project will be served by the Phase I portion of the county water system. All proposed water line extensions will be constructed by the developer, who will offer them to Franklin County for operation and service.
- b. Sanitary Sewer: The project will be served by the Lakewatch Utility Company Sewer System, which includes the offsite mass drain fields pursuant to Special Use Permit #U05-04-03. Accompanying special use permits have been submitted to provide for an expansion of the central sewer system service area; and to provide for off-site mass drain-fields to be located within the open space areas of this project. The existing central sewer system approved for LakeWatch has a wastewater treatment plant capacity of 150,000 gallons per day and can not serve the anticipated flows from this development.
- c. Stormwater: No specifications have been submitted by the applicant.
- d. VDOT: While the traffic information provided is sufficient for VDOT's approval at this stage, without a more detailed and comprehensive traffic study VDOT cannot provide the County with information regarding:

*Detailed Level of Service (LOS) on Route 122 and adjoining intersections

*Impacts of the signals on Route 122 LOS

*Timing of when the signal warrants will be met

-The developer will be responsible for design, construction and costs associated with traffic signal required for the development.

-This development will require a VDOT Commercial Entrance Permit.

- e. Solid Waste: The project will utilize centralized private solid waste management facilities for all residential units. The commercial units will have private facilities on-site.

7. Public Services

- a. Emergency Services – Comments requested. None received.
- b. Parks and Recreation – Comments requested. None received.
- c. Schools – Comments requested. None received.
- d. Law Enforcement – Comments requested. None received.

8. Environmental

- a. Air – Impact is foreseen as a result of increased vehicle emissions.
- b. Water -- Minimal impact foreseen.
- c. Stormwater – The developer proposes to use landscaping, riparian buffers, and other Best Management Practices adjacent to Smith Mountain Lake, ponds, and existing water courses to ensure protection of these waters and downstream properties. Water quality measures will be developed to meet state guidelines based on the total amount of impervious surface area.
- d. Soils – A significant amount of soils will be disturbed during construction.
- e. Noise – An impact on the adjacent properties is expected. The proposed landscaping buffer and proposed golf course around the perimeter will serve as measures to minimize this impact.
- f. A significant impact is foreseen. The development plans include a boat ramp and courtesy pier, or fifty (50) docks, an 18-hole golf course with associated clubhouse, 1,346 residential units, a 24,000 square foot community center, and five (5) story condominium building. The proposed landscaping buffers will serve to minimize this impact.

9. Relation to Comprehensive Plan

The Future Land Use Map of the 2025 Comprehensive Plan indicates that the property is located within four (4) designated areas. These are **Scenic Roads, Unincorporated Town, Medium Density Residential, and Low Density Residential.**

Based on the Future Land Use Map of the 2025 Comprehensive Plan, the breakdown for this project is approximately:

- 79% Low Density Residential
- 18% Unincorporated Town (Westlake)
- 3% Medium Density Residential

The Background for Unincorporated Town areas (Westlake) states:

Unincorporated Town (Westlake)

Background:

Westlake is located in the northeastern part of Franklin County between Burnt Chimney and Hales Ford Bridge in the proximity of Smith Mountain Lake on Routes 122 and 616. The Westlake area is developing into a commercial area of retail businesses, professional offices, service uses, and proposed residential uses.

Over the past decades, Smith Mountain Lake has been a major source of growth in the County. Initially in the form of second home development and recreational campgrounds, the growth became increasingly affluent in character as a substantial number of year round residents have been attracted to the beauty of the lake and the unique lakefront residential life.

In 2002 the Franklin County Board of Supervisors adopted Westlake Village Center Overlay District. (See Westlake Village Center Overlay District Map) The overlay district was established to promote a development pattern that brings a sense of community to the surrounding rural area.

Over the last several years a number of development projects have been approved in the Westlake Overlay District. Westlake Towne Center with retail, office, and proposed residential living, Westlake Executive Park consisting of professional offices and lending institutions, Westlake Village Business Park has proposed retail, office, and multi-family residential development, and other developments with commercial and residential uses.

New to the Westlake area is the completion of Phase I of the countywide public water system to service the businesses and residents of Westlake. Also, the County worked with developers in the Westlake area in transferring their water systems to County ownership.

LakeWatch Plantation is a development project that is proposed to be included in the Westlake Overlay District. This 479 acre development will consist of commercial, residential, and recreation facilities for the community.

Policies for Westlake

- 1. Encourage infill development of parcels within the Westlake Village Overlay District and discourage the linear development of Routes 122 and 616 corridors outside of the overlay district.*
- 2. Encourage the development of a grid system of interconnected public streets that are bicycle and pedestrian friendly.*
- 3. Encourage the development of public sewer and alternative treatment systems and discourage the development of individual septic systems.*
- 4. Community Design: Development in Towns should be based on adopted community plans that include architectural and site development guidelines.*
- 5. New developments should preserve open space and viewsheds; take into consideration existing vegetation; and incorporate these concepts into site planning to preserve the rural character.*
- 6. Encourage mixed use development with a variety of housing types including housing on the upper floors of commercial buildings.*
- 7. Westlake should develop as a community center with a broad range of uses to provide housing and services to the population of the Town and surrounding areas.*
- 8. Work to establish, identify, and plan the enhancement of key gateways and entry points to the Towns and to establish guidelines for landscaping, setback, and coordination of access so as to enhance the quality of these points.*

The Background for Medium Density Residential states:

Medium Density Residential

Background:

Medium Density Residential areas will allow for residential support services and gross densities of two to four dwelling units per acre. Medium density residential areas should be located in or near Towns or Villages close to convenience shopping, services, and community facilities. Such developments may also occur near Smith Mountain Lake.

Policies for Medium Density Residential

- 1. Residential development should accommodate the natural landscape, preserve trees and vegetation, consider solar access in siting, and provide for an efficient, and visually pleasing residential environment.*
- 2. Lot design should reflect topography, natural boundaries and features, and other physical characteristics.*
- 3. Diversity of building design is encouraged within development areas.*
- 4. Lots in new subdivisions abutting County arterial or major collector roads should be provided access onto service or interior roads so as to prevent the stacking of driveways.*
- 5. Establish density incentives for locating multi-family dwellings, townhouses, and manufactured housing areas close to Towns and communities with schools, services, and facilities that support such densities.*
- 6. On site centralized treatment plants to provide public sewer for each subdivision should be encouraged.*
- 7. Centralized water systems should be required to provide water to all new subdivisions.*
- 8. All new subdivisions located in prime farmland areas should include adequate buffers to separate residential uses from agricultural operations.*
- 9. Encourage interconnection of residential and commercial developments in order to lessen the traffic loads on arterial roads and provide pedestrian and bicycle linkages.*
- 10. Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.*

The Background for Low Density Residential states:

Low Density Residential

Background:

Low Density Residential Areas are intended to allow gross densities of one to two dwellings units per acre and minimum lot sizes of 20,000 - 30,000 square feet in general proximity to residential support services such as schools, playgrounds, and churches. These areas should either be located in or near existing Towns, Villages, or Rural Neighborhood Centers. It is envisioned that public water and/or sewer will someday serve these areas, meeting all local and state standards and requirements. They should be served by new public roads built by the developer to State standards and dedicated to the State. Recreational facilities and other amenities should be provided.

While low density residential areas are typically comprised of traditional neighborhood developments they may also include manufactured housing, free standing townhomes, patio homes and other similar building types.

Policies for Low Density Residential

- 1. All roads should be built to state standards and offered by the developer for inclusion in the state system for maintenance.*
- 2. Lots in new subdivisions abutting County arterial or major collector roads should be provided access onto service or interior roads so as to prevent the stacking of driveways.*

3. *On site centralized treatment plants to provide public sewer for each subdivision should be encouraged.*
4. *The density of all new subdivisions to be served by wells and/or septic systems should be determined by the long term carrying capacity of the land. All new lots should have adequate reserve areas in the event of septic system failures.*
5. *Centralized water systems should be required to provide water to all new subdivisions.*
6. *All new subdivisions located in prime farmland areas should include adequate buffers to separate residential uses from agricultural operations.*
7. *Encourage interconnection of residential and commercial developments in order to lessen the traffic loads on arterial roads and provide pedestrian and bicycle linkages.*
8. *Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.*

The Background for Scenic Roads states:

Scenic Roads

Background:

Scenic roads are those roads that retain a rural feel and sense due to being undeveloped or sparsely developed and contain attributes such as a traditional agricultural development pattern; the road edge is comprised of a natural landscape, and/or has significant viewshed/vista areas at points along the length of the road.

Policies for Scenic Roads

1. *Make sure development along scenic road corridors is compatible with the scenic character of the road and/or draft and adopt development standards to preserve the rural character of these roads.*
2. *Identify significant and important scenic roadscapes and viewsheds through the completion of an inventory and analysis of County roads.*
3. *Develop additional mechanisms to preserve the scenic character of these roads.*
4. *Establish ordinances to protect the viewsheds and roadscapes of these scenic roads.*

10. Staff Evaluation

a. **Strengths** –

- The use of central sewer system is preferred method of sewage disposal over multiple individual on-site systems***
- This request would conform with the current policy on drainfield reserve areas***

Weaknesses –

- Current central sewer system approved for LakeWatch has a wastewater treatment plant capacity of 150,000 gallons per day and can not adequately serve existing Lakewatch development and the proposed development***

11. Suggested conditions for Special Use Permit.

- 1. The property shall be developed in substantial conformance with the Rezoning and Concept Plan for Lakewatch Plantation Spa and Resort, dated June 1, 2007 and revised September 15, 2007 and prepared by Edward C. Park III and others (Job No 21-04.)**
- 2. The design of any wastewater treatment facility or mass drain field shall comply with all of the requirements as found in the Special Use Permit Standard Guidelines for Subsurface Wastewater Disposal Systems as adopted by the Board of Supervisors of Franklin County.**
- 3. A twenty (20) foot wide vegetative buffer shall remain along Route 951.**
- 4. The proposed sewer system and associated drainfields shall be constructed in general conformity with the concept plan prepared by ACS Design and dated March 11, 2005.**

12. Suggested Alternative Motions:

The following suggested motions are sample motions that may be used. They include language found in Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

- 1) I find that the proposal will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare. Therefore I move to recommend approval of the petitioner's request for a special use permit with the conditions identified in the staff report.

OR

- 2) I find that the proposal is of substantial detriment to adjacent property and that such use will not aid in the creation of a convenient, attractive, or harmonious community. Therefore I move to deny the request for a special use permit.

OR

- 3) I find that the required information for the submitted petition is incomplete. Therefore I move to delay action until all necessary materials are submitted.

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Special Use Permit

Petitioner: Edward C. Park III

Owners: Same

Size of Parcel(s): +/- 576 acres

Size of Request: +/- 4 acres

Magisterial District: Gills Creek

Tax ID: Map #30 Parcel #'s 17, 20, 47, and 60; Portion of Map #30 Parcel #46; and Portion of Map#15 Parcel#39

Zoning/Use Request: **A Special Use Permit to allow for permitted recreational accessory uses, community center building, and other associated neighborhood commercial uses within a RPD**

Current Zoning: Rezone +/- 576 acres from Agricultural (A-1) to Residential Planned Development District (RPD)

1. Nature of Request & Background

The petitioner is requesting a Special Use Permit under Section 25-392 of the Franklin County Zoning Ordinance, to permit neighborhood commercial uses totaling 56,000 square feet of commercial floor within the Lakewatch Plantation Spa and Resort concurrent with a request to rezone +/-576 acres from A-1 (Agricultural) to RPD (Residential Planned Development District). Allowable square footage of commercial uses for this proposed project in the RPD zoning district is 13,460 square feet so the petitioner has submitted a concurrent request for a deviation of 42,540 square feet of commercial floor area. The subject property is a +/- 576 acre parcel located on the southeast side of Virginia Primary Route 122 (Booker T. Washington Highway) approximately .7 miles east of the intersection of Route 122 and Route 616.

The specific deviations (as listed on sheet 3 of 3 of the concept plan) related to this special use permit request are as follows:

Proposed use descriptions and deviations:

-8,000 square feet of condominium building (#1) to be used as restaurant and lounge (open to general public), and facilities management office (including boat access reservations). Boat access is restricted for the use of residents or short term tourist rental guests in the development.

-2,000 square feet spa facility (#2) open to general public.

-24,000 square feet community center building (#3) to support the cultural, education, or recreational activities of the surrounding area with banquet and meeting room facilities. A deviation is being requested to allow the community center to operate “for profit.”

-6,000 square feet of the 12,100 square feet boat and golf storage building (#4) reserved for accessory use storage of boats to support recreational access (by ramp) to Smith Mountain Lake for the residents for short term tourist rental guests of the development. Boat storage will be relocated to the proposed community docks if the ramp option is not approved by AEP. The remaining 10,000 square feet provides accessory uses for the golf course (permitted under 25-294).

-6,000 square feet wake lake pro shop and restaurant building (#14) to provide accessory services to the wake park public recreation facility.

Proposed Size/Height Deviations:

-10’ deviation from 40’ maximum height restriction to a maximum of 50’ for condominium units building #1.

2. Applicable Regulations

Sec. 25–2 Purpose and intent of the Zoning Ordinance

Sec. 25-4 Relation to the comprehensive plan

Sec. 25-35 General usage terms

Sec. 25-40 Principal definitions of the Zoning Ordinance

Sec. 25-177 through Sec. 25-188, Agricultural District (A-1)

Sec. 25-293 through Sec. 25-311, RPD (Residential Planned Development District)

Sec. 25-481 through Sec. 25-486 Corridor Overlay District

Sec. 25-638 through Sec. 25-645, Special Use Permits

3. Site Characteristics

a. Ground Cover: Pasture, hardwoods, and pines.

b. Slope: Slopes on the entire +/- 576 acres range from 3% to approximately 16%. There is approximately 200 feet of total elevation change from Route 122 to Smith Mountain Lake.

c. Special Features: The Franklin County Board of Supervisors approved a Special Use Permit (Case #U 07-04-01) for a temporary Vegetative Waste Recycle Facility to be located on the subject property. This facility was approved with a maximum life span of five years.

4. Land Use Compatibility

a. Surrounding Uses

North: Lakewatch Plantation/Route 122

East: Vacant/Residential

South: Vacant/Residential

West: Business/Residential

b. Adjacent Zoning Districts

North: PCD

East: A-1

South: A-1

West: B-2 and RPD

c. Site Layout:

An amended concept plan has been developed by the petitioner dated September 15, 2007, which includes the location and size of the proposed uses and buildings. The petitioner proposes a five (5) story one hundred room condominium structure near Smith Mountain Lake. A two thousand square foot spa and pool facility, outdoor tennis courts, and a 24,000 square foot two (2) story community center will be constructed adjacent to the condominium building. The developer proposes a boat ramp and courtesy pier or fifty (50) boat docks along the waterfront.

The concept plan also includes an eighteen-hole golf course with club house, pro shop, putting greens, tennis courts, and driving range.

There is an existing pond with a gazebo that will be utilized for fishing, paddle boating, canoeing, picnicking, and nature viewing. In addition, a centrally located pond will be created to serve as a wake board cable park. A pro shop and restaurant will be associated with the wake board cable park.

The residential component of the project consists of a five (5) story, 100-unit condominium building, seventy-one (71) single family homes, one hundred and fifty nine (159) patio homes, ninety-four (94) cottages, two hundred and eight (208) villas which will be served by private roads with gated access, three hundred and seventy-two townhouses (372), and thirteen (13) two-story buildings with a total of one hundred, fifty-two (152) condominium units, and one hundred and ninety (190) motor coach lots. All combined equals a total of 1346 residential units.

The petitioner has not provided any detailed information relating to the sign height, square footage and style.

Please reference Concept Plan prepared by Phillip W. Nester dated June 1, 2007, last revised September 15, 2007.

Open Area Requirements: N/A

d. Architecture: The surrounding uses include both one-story and two-story frame and brick buildings. The existing structures on-site are primarily related to agricultural operations. The proposed residential buildings range from single family homes,

cottages, villas, condominium units, and townhouses to a motor coach RV Park. Proposed facades include the use of rock and other complementing forms and materials to match the surrounding community.

- e. Screening and Landscaping: A 20' wide and +/- 10' high landscaping berm with planted trees is proposed to be installed along Route 122. The berm will be located a minimum of fifty-five feet from the centerline of Route 122 to allow for future road widening. The concept plan indicates several open spaces and landscaping along the private roads.
- f. Historic Features – The property is not adjacent to any registered historical landmarks.

1. **Transportation:** see VDOT comments below.

6. Utilities

- a. Water: The proposed project will be served by the Phase I portion of the county water system. All proposed water line extensions will be constructed by the developer, who will offer them to Franklin County for operation and service.
- b. Sanitary Sewer: The project will be served by the Lakewatch Utility Company Sewer System, which includes the offsite mass drain fields pursuant to Special Use Permit #U05-04-03. Accompanying special use permits have been submitted to provide for an expansion of the central sewer system service area; and to provide for off-site mass drain-fields to be located within the open space areas of this project.
- c. Stormwater: No specifications have been submitted by the applicant.
- d. VDOT: While the traffic information provided is sufficient for VDOT's approval at this stage, without a more detailed and comprehensive traffic study VDOT cannot provide the County with information regarding:
 - *Detailed Level of Service (LOS) on Route 122 and adjoining intersections
 - *Impacts of the signals on Route 122 LOS
 - *Timing of when the signal warrants will be met-The developer will be responsible for design, construction and costs associated with traffic signal required for the development.
-This development will require a VDOT Commercial Entrance Permit.
- e. Solid Waste: The project will utilize centralized private solid waste management facilities for all residential units. The commercial units will have private facilities on-site.

7. Public Services

- a. Emergency Services – Comments requested. None received.
- b. Parks and Recreation – Comments requested. None received.
- c. Schools – Comments requested. None received.
- d. Law Enforcement – Comments requested. None received.

8. Environmental

- a. Air – Impact is foreseen as a result of increased vehicle emissions.
- b. Water -- Minimal impact foreseen.

- c. Stormwater – The developer proposes to use landscaping, riparian buffers, and other Best Management Practices adjacent to Smith Mountain Lake, ponds, and existing water courses to ensure protection of these waters and downstream properties. Water quality measures will be developed to meet state guidelines based on the total amount of impervious surface area.
- d. Soils – A significant amount of soils will be disturbed during construction.
- e. Noise – An impact on the adjacent properties is expected. The proposed landscaping buffer and proposed golf course around the perimeter will serve as measures to minimize this impact.
- f. Visual Impact – A significant impact is foreseen. The development plans include a boat ramp and courtesy pier, or fifty (50) docks, an 18-hole golf course with associated clubhouse, 1,346 residential units, a 24,000 square foot community center, and five (5) story condominium building. The proposed landscaping buffers will serve to minimize this impact.

9. Relation to Comprehensive Plan

The Future Land Use Map of the 2025 Comprehensive Plan indicates that the property is located within four (4) designated areas. These are **Scenic Roads, Unincorporated Town, Medium Density Residential, and Low Density Residential.**

Based on the Future Land Use Map of the 2025 Comprehensive Plan, the breakdown for this project is approximately:

- 79% Low Density Residential
- 18% Unincorporated Town (Westlake)
- 3% Medium Density Residential

The Background for Unincorporated Town areas (Westlake) states:

Unincorporated Town (Westlake)

Background:

Westlake is located in the northeastern part of Franklin County between Burnt Chimney and Hales Ford Bridge in the proximity of Smith Mountain Lake on Routes 122 and 616. The Westlake area is developing into a commercial area of retail businesses, professional offices, service uses, and proposed residential uses.

Over the past decades, Smith Mountain Lake has been a major source of growth in the County. Initially in the form of second home development and recreational campgrounds, the growth became increasingly affluent in character as a substantial number of year round residents have been attracted to the beauty of the lake and the unique lakefront residential life.

In 2002 the Franklin County Board of Supervisors adopted Westlake Village Center Overlay District. (See Westlake Village Center Overlay District Map) The overlay district was established to promote a development pattern that brings a sense of community to the surrounding rural area.

Over the last several years a number of development projects have been approved in the Westlake Overlay District. Westlake Towne Center with retail, office, and proposed residential living, Westlake Executive Park consisting of professional offices and lending institutions, Westlake Village Business Park has proposed retail, office, and multi-family residential development, and other developments with commercial and residential uses.

New to the Westlake area is the completion of Phase I of the countywide public water system to service the businesses and residents of Westlake. Also, the County worked with developers in the Westlake area in transferring their water systems to County ownership.

LakeWatch Plantation is a development project that is proposed to be included in the Westlake Overlay District. This 479 acre development will consist of commercial, residential, and recreation facilities for the community.

Policies for Westlake

- 1. Encourage infill development of parcels within the Westlake Village Overlay District and discourage the linear development of Routes 122 and 616 corridors outside of the overlay district.*
- 2. Encourage the development of a grid system of interconnected public streets that are bicycle and pedestrian friendly.*
- 3. Encourage the development of public sewer and alternative treatment systems and discourage the development of individual septic systems.*
- 4. Community Design: Development in Towns should be based on adopted community plans that include architectural and site development guidelines.*
- 5. New developments should preserve open space and viewsheds; take into consideration existing vegetation; and incorporate these concepts into site planning to preserve the rural character.*
- 6. Encourage mixed use development with a variety of housing types including housing on the upper floors of commercial buildings.*
- 7. Westlake should develop as a community center with a broad range of uses to provide housing and services to the population of the Town and surrounding areas.*
- 8. Work to establish, identify, and plan the enhancement of key gateways and entry points to the Towns and to establish guidelines for landscaping, setback, and coordination of access so as to enhance the quality of these points.*

The Background for Medium Density Residential states:

Medium Density Residential

Background:

Medium Density Residential areas will allow for residential support services and gross densities of two to four dwelling units per acre. Medium density residential areas should be located in or near Towns or Villages close to convenience shopping, services, and community facilities. Such developments may also occur near Smith Mountain Lake.

Policies for Medium Density Residential

- 1. Residential development should accommodate the natural landscape, preserve trees and vegetation, consider solar access in siting, and provide for an efficient, and visually pleasing residential environment.*
- 2. Lot design should reflect topography, natural boundaries and features, and other physical characteristics.*
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- 6. On site centralized treatment plants to provide public sewer for each subdivision should be encouraged.*
- 7. Centralized water systems should be required to provide water to all new subdivisions.*
- 8. All new subdivisions located in prime farmland areas should include adequate buffers to separate residential uses from agricultural operations.*
- 9. Encourage interconnection of residential and commercial developments in order to lessen the traffic loads on arterial roads and provide pedestrian and bicycle linkages.*

10. *Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.*

The Background for Low Density Residential states:

Low Density Residential

Background:

Low Density Residential Areas are intended to allow gross densities of one to two dwellings units per acre and minimum lot sizes of 20,000 - 30,000 square feet in general proximity to residential support services such as schools, playgrounds, and churches. These areas should either be located in or near existing Towns, Villages, or Rural Neighborhood Centers. It is envisioned that public water and/or sewer will someday serve these areas, meeting all local and state standards and requirements. They should be served by new public roads built by the developer to State standards and dedicated to the State. Recreational facilities and other amenities should be provided.

While low density residential areas are typically comprised of traditional neighborhood developments they may also include manufactured housing, free standing townhomes, patio homes and other similar building types.

Policies for Low Density Residential

1. *All roads should be built to state standards and offered by the developer for inclusion in the state system for maintenance.*
2. *Lots in new subdivisions abutting County arterial or major collector roads should be provided access onto service or interior roads so as to prevent the stacking of driveways.*
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5. *Centralized water systems should be required to provide water to all new subdivisions.*
6. *All new subdivisions located in prime farmland areas should include adequate buffers to separate residential uses from agricultural operations.*
7. *Encourage interconnection of residential and commercial developments in order to lessen the traffic loads on arterial roads and provide pedestrian and bicycle linkages.*
8. *Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.*

The Background for Scenic Roads states:

Scenic Roads

Background:

Scenic roads are those roads that retain a rural feel and sense due to being undeveloped or sparsely developed and contain attributes such as a traditional agricultural development pattern; the road edge is comprised of a natural landscape, and/or has significant viewshed/vista areas at points along the length of the road.

Policies for Scenic Roads

1. *Make sure development along scenic road corridors is compatible with the scenic character of the road and/or draft and adopt development standards to preserve the rural character of these roads.*
2. *Identify significant and important scenic roadscapes and viewsheds through the completion of an inventory and analysis of County roads.*
3. *Develop additional mechanisms to preserve the scenic character of these roads.*

4. *Establish ordinances to protect the viewsheds and roadscapes of these scenic roads.*

10. Staff Evaluation

a. Strengths –

-The petitioner has included many non-residential uses in the calculation of commercial uses.

- A limited number of mixed uses are desirable in the RPD district

Weaknesses –

- Square footage of proposed commercial uses is larger than that permitted in RPD without approval of deviation

11. Suggested conditions for Special Use Permit.

1. The property shall be developed in substantial conformance with the Rezoning and Special Use Permit Requests Concept Plan for Lakewatch Plantation Spa & Resort dated June 1, 2007, revised June 13, 2007, August 3, 2007 and September 15, 2007, prepared by Edward C. Park III and others.
2. The maximum number of motorized watercraft in the boat storage facility shall be limited to fifty (50). Use of watercraft shall be restricted to the residents or short term tourist rental guests of the development.
3. All deviations, proffers, and special use permits shall be provided on the cover sheet for all submitted site plan and erosion and sediment control plans.

12. Suggested Alternative Motions:

The following suggested motions are sample motions that may be used. They include language found in Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

- 1) I find that the proposal will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare. Therefore, I move to recommend approval of the petitioner's request for a special use permit with the conditions and deviations identified in the staff report.

OR

- 2) I find that the proposal is of substantial detriment to adjacent property and that such use will not aid in the creation of a convenient, attractive, or harmonious community. Therefore, I move to deny the request for a special use permit.

OR

- 3) I find that the required information for the submitted petition is incomplete. Therefore I move to delay action until all necessary materials are submitted.

Franklin County Planning Commission and Board of Supervisors
Staff Report
October 9, 2007 and October 23, 2007
Request to Rezone

Petitioner: Edward C. Park III

Owners: Same

Size of Parcel(s): +/- 576 acres

Size of Request: +/- 576 acres

Magisterial District: Gills Creek

Tax ID: Map #30 Parcel #'s 17, 20, 46, 47, and 60; and Portion of #15, Parcel#39

Zoning/Use Request: Rezoning from A-1 to RPD to allow for the construction of LakeWatch Spa & Resort with Deviations as identified on Sheet 3 of 3 of the concept plan developed by the petitioner revised September 15, 2007

Current Zoning: Rezone +/- 576 acres from Agricultural (A-1) to Residential Planned Development District (RPD) with **Concept Plan** approval to construct 1) 1346 short-term residential units including a 5-story condominium structure; 2) community center; 3) golf course; and 4) recreational uses such as wakeboard cable park within a RPD zoning district.

Special Use Permits to construct 1) private roads; 2) boat and vehicle storage; 3) expansion of sewer service area; 4) reduce drain field reserve area; 5) provide additional off-site mass drain fields; and increase sewer treatment plant capacity; 6) permitted recreational accessory, community center building, and other associated neighborhood commercial uses within an RPD.

1. Nature of Request & Background

The petitioner is requesting to rezone +/-576 acres from A-1 (Agricultural) to RPD (Residential Planned Development District), along with deviations as listed on Sheet 3 of 3 reference Concept Plan prepared by Phillip W. Nester dated June 1, 2007, last revised September 15, 2007.

The subject property is a +/- 576 acre parcel located on the southeast side of Virginia Primary Route 122 (Booker T. Washington Highway) approximately .7 miles east of the intersection of Route 122 and Route 616.

This request has been amended twice in an effort to address comments of the planning commission, citizens and county staff. The original proposal requested PCD zoning with several special use permits for residential uses. The proposal was amended to reduce commercial uses and request was changed to RPD zoning. Current request is still RPD zoning with special use permits to allow for sewerage disposal and commercial uses. In addition a number of deviations have been requested in accordance with Section 25-311 of the Franklin County Code.

The specific deviations (as listed on sheet 3 of 3 of the concept plan) requested are as follows:

Proposed use descriptions and deviations:

- Allow individual lot ownership of motor coach village lots.
- Allow residential use of Class A Motor Coach Homes on motor coach village lots.
- 8,000 square feet of condominium building (#1) to be used as restaurant and lounge (open to general public), and facilities management office (including boat access reservations). Boat access is restricted for the use of residents or short term tourist rental guests in the development.
- 2,000 square feet spa facility (#2) open to general public.
- 24,000 square feet community center building (#3) to support the cultural, education, or recreational activities of the surrounding area with banquet and meeting room facilities. A deviation is being requested to allow the community center to operate “for profit.”
- 6,000 square feet of the 12,100 square feet boat and golf storage building (#4) reserved for accessory use storage of boats to support recreational access (by ramp) to Smith Mountain Lake for the residents for short term tourist rental guests of the development. Boat storage will be relocated to the proposed community docks if the ramp option is not approved by AEP. The remaining 10,000 square feet provides accessory uses for the golf course (permitted under 25-294).
- 6,000 square feet wake lake pro shop and restaurant building (#14) to provide accessory services to the wake park public recreation facility.

Proposed Size/Height Deviations:

- 5’ deviation from 75’ width (with public water and sewer) to 70’ width for pond view patio homes, wake lake cottages, and mountain village villas.
- 25’ deviation from 75’ width to 50’ width and a 1500 square foot deviation from 7500 square foot minimum lot size (public water and sewer) to 6000 square feet for motorcoach home lots.
- 45’ deviation from 75’ width (with public water and sewer) to 30’ width and 5000 square foot area deviation from 7500 square feet to 2500 square feet for lakeview townhomes.
- 10’ deviation from 40’ maximum height restriction to a maximum of 50’ for condominium units building #1.

Proposed Design Guidelines Deviations:

- Deviation to Section 16.1-10 (1)(b) to allow boundary survey information to be included with site plan submittals.
- Deviation to Section 16.1-10 (1)(m) to allow existing operations plan for the sewage treatment plant (previously approved by Franklin County and VDH) to be incorporated by reference.
- Deviation to Section 25-310 (1) to allow maintenance agreement for private streets to be included with site plan submittals.

-Deviation to Section 25-144 (b) to allow fifty percent reserve areas pursuant to current special use permit for subsurface disposal system guidelines.

2. Applicable Regulations

Sec. 25-2 Purpose and intent of the Zoning Ordinance

Sec. 25-4 Relation to the comprehensive plan

Sec. 25-35 General usage terms

Sec. 25-40 Principal definitions of the Zoning Ordinance

Sec. 25-177 through Sec. 25-188, Agricultural District (A-1)

Sec. 25-293 through Sec. 25-311, RPD (Residential Planned Development District)

Sec. 25-481 through Sec. 25-486 Corridor Overlay District

3. Site Characteristics

a. Ground Cover: Pasture, hardwoods, and pines.

b. Slope: Slopes on the entire +/- 576 acres range from 3% to approximately 16%. There is approximately 200 feet of total elevation change from Route 122 to Smith Mountain Lake.

c. Special Features: The Franklin County Board of Supervisors approved a Special Use Permit (Case #U 07-04-01) for a temporary Vegetative Waste Recycle Facility to be located on the subject property. This facility was approved with a maximum life span of five years.

4. Land Use Compatibility

a. Surrounding Uses

North: Lakewatch Plantation/Route 122

East: Vacant/Residential

South: Vacant/Residential

West: Business/Residential

b. Adjacent Zoning Districts

North: PCD

East: A-1

South: A-1

West: B-2 and RPD

c. Site Layout:

An amended concept plan has been developed by the petitioner dated September 15, 2007, which includes the location and size of the proposed uses and buildings. The petitioner proposes a five (5) story one hundred room condominium structure near Smith Mountain Lake. A two thousand square foot spa and pool facility, outdoor tennis courts, and a 24,000 square foot two (2) story community center will be

constructed adjacent to the condominium building. The developer proposes a boat ramp and courtesy pier or fifty (50) boat docks along the waterfront.

The concept plan also includes an eighteen-hole golf course with club house, pro shop, putting greens, tennis courts, and driving range.

There is an existing pond with a gazebo that will be utilized for fishing, paddle boating, canoeing, picnicking, and nature viewing. In addition, a centrally located pond will be created to serve as a wake board cable park. A pro shop and restaurant will be associated with the wake board cable park.

The residential component of the project consists of a five (5) story, 100-unit condominium building, seventy-one (71) single family homes, one hundred and fifty nine (159) patio homes, ninety-four (94) cottages, two hundred and eight (208) villas which will be served by private roads with gated access, three hundred and seventy-two townhouses (372), and thirteen (13) two-story buildings with a total of one hundred, fifty-two (152) condominium units, and one hundred and ninety (190) motor coach lots. All combined equals a total of 1346 residential units.

The petitioner has not provided any detailed information relating to the sign height, square footage and style.

Please reference Concept Plan prepared by Phillip W. Nester dated June 1, 2007, last revised September 15, 2007.

Open Area Requirements:

Section 25-301 stipulates that the required open space within a RPD shall not exceed fifty (50) percent. According to the application materials submitted, the proposed open space for the proposed RPD request is approximately 328 acres for a percentage rate of approximately fifty-seven (57) percent. The development will be subject to a proffered condition that guarantees a minimum of 50 % of the RPD area (+/- 288 acres) will remain uncovered.

- d. **Architecture:** The surrounding uses include both one-story and two-story frame and brick buildings. The existing structures on-site are primarily related to agricultural operations. The proposed residential buildings range from single family homes, cottages, villas, condominium units, and townhouses to a motor coach RV Park. Proposed facades include the use of rock and other complementing forms and materials to match the surrounding community.
- e. **Screening and Landscaping:** A 20' wide and +/- 10' high landscaping berm with planted trees is proposed to be installed along Route 122. The berm will be located a minimum of fifty-five (55) feet from the centerline of Route 122 to allow for future road widening. The concept plan indicates several open spaces and landscaping along the private roads.

The development also proposes to maintain a twenty (20) foot vegetative buffer around the perimeter of the property. However, the proffer states that if vegetation is removed that it may be replanted. The proffers outline how and when the replacement vegetation is to be planted.
- f. **Historic Features –** The property is not adjacent to any registered historical landmarks. Applicant indicates that a Phase 1 environmental study has confirmed that the development does not impact any threatened or endangered species or historic features however; the Phase 1 report has not been submitted to the County.

5. Transportation: see VDOT comments below.

6. Utilities

- a. **Water:** The proposed project will be served by the Phase I portion of the county water system. All proposed water line extensions will be constructed by the developer, who will offer them to Franklin County for operation and service.
- b. **Sanitary Sewer:** The project will be served by the Lakewatch Utility Company Sewer System, which includes the offsite mass drain fields pursuant to Special Use Permit #U05-04-03. Currently approved central sewer system wastewater treatment plant has a capacity of 150,000 gallons per day and can not handle the additional flows from this proposed development. Accompanying special use permits have been submitted to provide for an expansion of the treatment plant and central sewer system service area; and to provide for off-site mass drain-fields to be located within the open space areas of this project.
- c. **Stormwater:** No specifications have been submitted by the applicant.
- d. **VDOT:** While the traffic information provided is sufficient for VDOT's approval at this stage, without a more detailed and comprehensive traffic study VDOT cannot provide the County with information regarding:
 - *Detailed Level of Service (LOS) on Route 122 and adjoining intersections
 - *Impacts of the signals on Route 122 LOS
 - *Timing of when the signal warrants will be met
 -The developer will be responsible for design, construction and costs associated with traffic signal required for the development.
 -This development will require a VDOT Commercial Entrance Permit.

- e. Solid Waste: The project will utilize centralized private solid waste management facilities for all residential units. The commercial units will have private facilities on-site.

7. Public Services

- a. Emergency Services – Comments requested. No written comments received. At the development review team meeting the need for emergency access to the site was discussed.
- b. Parks and Recreation – Comments requested. No written comments received. At the development review team meeting the need for additional recreational opportunities was discussed.
- c. Schools – Comments requested. None received.
- d. Law Enforcement – Comments requested. None received.

8. Environmental

- a. Air – Impact is foreseen as a result of increased vehicle emissions.
- b. Water – Potential impact is foreseen due to the numerous drain fields that will be needed to serve this proposed development.
- c. Storm water – The developer proposes to use landscaping, riparian buffers, and other Best Management Practices adjacent to Smith Mountain Lake, ponds, and existing water courses to ensure protection of these waters and downstream properties. Water quality measures will be developed to meet state guidelines based on the total amount of impervious surface area.
- d. Soils – A significant amount of soils will be disturbed during construction.
- e. Noise – A significant impact on the adjacent properties is expected. The proposed landscaping buffer and proposed golf course around the perimeter will serve as measures to minimize this impact.
- f. Visual Impact – A significant impact is foreseen. The development plans include a boat ramp and courtesy pier or fifty (50) docks, an 18-hole golf course, 1,346 residential units, a community center, and five (5) story condominium structure. The proposed landscaping buffers will serve to minimize this impact.

9. Relation to Comprehensive Plan

The Future Land Use Map of the 2025 Comprehensive Plan indicates that the property is located within four (4) designated areas. These are **Scenic Roads, Unincorporated Town, Medium Density Residential, and Low Density Residential**.

Based on the Future Land Use Map of the 2025 Comprehensive Plan, the breakdown for this project is approximately:

79% Low Density Residential

18% Unincorporated Town (Westlake)

3% Medium Density Residential

The Background for Unincorporated Town areas (Westlake) states:

Unincorporated Town (Westlake)

Background:

Westlake is located in the northeastern part of Franklin County between Burnt Chimney and Hales Ford Bridge in the proximity of Smith Mountain Lake on Routes 122 and 616. The Westlake area is developing into a commercial area of retail businesses, professional offices, service uses, and proposed residential uses.

Over the past decades, Smith Mountain Lake has been a major source of growth in the County. Initially in the form of second home development and recreational campgrounds, the growth became increasingly affluent in character as a substantial number of year round residents have been attracted to the beauty of the lake and the unique lakefront residential life.

In 2002 the Franklin County Board of Supervisors adopted Westlake Village Center Overlay District. (See Westlake Village Center Overlay District Map) The overlay district was established to promote a development pattern that brings a sense of community to the surrounding rural area.

Over the last several years a number of development projects have been approved in the Westlake Overlay District. Westlake Towne Center with retail, office, and proposed residential living, Westlake Executive Park consisting of professional offices and lending institutions, Westlake Village Business Park has proposed retail, office, and multi-family residential development, and other developments with commercial and residential uses.

New to the Westlake area is the completion of Phase I of the countywide public water system to service the businesses and residents of Westlake. Also, the County worked with developers in the Westlake area in transferring their water systems to County ownership.

LakeWatch Plantation is a development project that is proposed to be included in the Westlake Overlay District. This 479 acre development will consist of commercial, residential, and recreation facilities for the community.

Policies for Westlake

- 1. Encourage infill development of parcels within the Westlake Village Overlay District and discourage the linear development of Routes 122 and 616 corridors outside of the overlay district.*
- 2. Encourage the development of a grid system of interconnected public streets that are bicycle and pedestrian friendly.*
- 3. Encourage the development of public sewer and alternative treatment systems and discourage the development of individual septic systems.*
- 4. Community Design: Development in Towns should be based on adopted community plans that include architectural and site development guidelines.*
- 5. New developments should preserve open space and viewsheds; take into consideration existing vegetation; and incorporate these concepts into site planning to preserve the rural character.*
- 6. Encourage mixed use development with a variety of housing types including housing on the upper floors of commercial buildings.*
- 7. Westlake should develop as a community center with a broad range of uses to provide housing and services to the population of the Town and surrounding areas.*
- 8. Work to establish, identify, and plan the enhancement of key gateways and entry points to the Towns and to establish guidelines for landscaping, setback, and coordination of access so as to enhance the quality of these points.*

The Background for Medium Density Residential states:

Medium Density Residential

Background:

Medium Density Residential areas will allow for residential support services and gross densities of two to four dwelling units per acre. Medium density residential areas should be located in or near Towns or Villages close to convenience shopping, services, and community facilities. Such developments may also occur near Smith Mountain Lake.

Policies for Medium Density Residential

- 1. Residential development should accommodate the natural landscape, preserve trees and vegetation, consider solar access in siting, and provide for an efficient, and visually pleasing residential environment.*
- 2. Lot design should reflect topography, natural boundaries and features, and other physical characteristics.*
- 3. Diversity of building design is encouraged within development areas.*
- 4. Lots in new subdivisions abutting County arterial or major collector roads should be provided access onto service or interior roads so as to prevent the stacking of driveways.*
- 5. Establish density incentives for locating multi-family dwellings, townhouses, and manufactured housing areas close to Towns and communities with schools, services, and facilities that support such densities.*
- 6. On site centralized treatment plants to provide public sewer for each subdivision should be encouraged.*
- 7. Centralized water systems should be required to provide water to all new subdivisions.*
- 8. All new subdivisions located in prime farmland areas should include adequate buffers to separate residential uses from agricultural operations.*
- 9. Encourage interconnection of residential and commercial developments in order to lessen the traffic loads on arterial roads and provide pedestrian and bicycle linkages.*
- 10. Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.*

The Background for Low Density Residential states:

Low Density Residential

Background:

Low Density Residential Areas are intended to allow gross densities of one to two dwellings units per acre and minimum lot sizes of 20,000 - 30,000 square feet in general proximity to residential support services such as schools, playgrounds, and churches. These areas should either be located in or near existing Towns, Villages, or Rural Neighborhood Centers. It is envisioned that public water and/or sewer will someday serve these areas, meeting all local and state standards and requirements. They should be served by new public roads built by the developer to State standards and dedicated to the State. Recreational facilities and other amenities should be provided.

While low density residential areas are typically comprised of traditional neighborhood developments they may also include manufactured housing, free standing townhomes, patio homes and other similar building types.

Policies for Low Density Residential

- 1. All roads should be built to state standards and offered by the developer for inclusion in the state system for maintenance.*
- 2. Lots in new subdivisions abutting County arterial or major collector roads should be provided access onto service or interior roads so as to prevent the stacking of driveways.*
- 3. On site centralized treatment plants to provide public sewer for each subdivision should be encouraged.*

4. *The density of all new subdivisions to be served by wells and/or septic systems should be determined by the long term carrying capacity of the land. All new lots should have adequate reserve areas in the event of septic system failures.*
5. *Centralized water systems should be required to provide water to all new subdivisions.*
6. *All new subdivisions located in prime farmland areas should include adequate buffers to separate residential uses from agricultural operations.*
7. *Encourage interconnection of residential and commercial developments in order to lessen the traffic loads on arterial roads and provide pedestrian and bicycle linkages.*
8. *Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.*

The Background for Scenic Roads states:

Scenic Roads

Background:

Scenic roads are those roads that retain a rural feel and sense due to being undeveloped or sparsely developed and contain attributes such as a traditional agricultural development pattern; the road edge is comprised of a natural landscape, and/or has significant viewshed/vista areas at points along the length of the road.

Policies for Scenic Roads

1. *Make sure development along scenic road corridors is compatible with the scenic character of the road and/or draft and adopt development standards to preserve the rural character of these roads.*
2. *Identify significant and important scenic roadscapes and viewsheds through the completion of an inventory and analysis of County roads.*
3. *Develop additional mechanisms to preserve the scenic character of these roads.*
4. *Establish ordinances to protect the viewsheds and roadscapes of these scenic roads.*

10. Staff Evaluation

a. Strengths –

- Proposal will create limited new jobs and economic benefits to the community and County
- Proposal will provide additional recreational opportunities to the County
- Proposal utilizes a variety of uses (mixed use) within development
- Proposed development is planned to be served by both central sewer system and public water
- Proposal employs Low Impact Development (LID) techniques
- 50% + of the site will remain open space
- Proposal has been amended to reduce the commercial uses and traffic generation within the project

Weaknesses –

- Traffic Impact Statement has not adequately addressed the transportation impacts of this project. In particular, Level of Service (LOS) information has not been provided for primary intersection as well as other major intersections within the impacted area. No traffic signal information has been provided.
- Proposal does not fully comply with the newly adopted 2025 Comprehensive Plan
 - o Proposed rezoning does not comply with future land use map for area. The predominant future land use designation for this property (79%) is low density residential (1 to 2 units/acre). Proposed use is 2.3 units/acre.
 - o Proposed rezoning does not provide interconnectivity of streets within the development and to adjoining properties as described in Plan
 - o Proposed streets are not publicly maintained as stated in the Plan
 - o Commercial development not envisioned in this area designated as low density and medium density residential
 - o Proposal contains only one entrance to site for all traffic
- Proposal may create a resort community that raises issues or concerns such as increased housing prices in the area and/or increase in service-oriented employment.
- Private roads do not meet state standards (deviation needed)
- Proposed central sewer system does not currently have capacity to serve both Lakewatch developments (accompanying SUP has been requested to increase plant capacity).
- Still unanswered questions about development due to size and scope
 - o Concept plan does not show the private street standards, specifications and a proposed maintenance agreement as required by the ordinance
 - o Proffers do not address signage restrictions within the development
- Increase demand on public safety and emergency services
- In an email dated August 28, 2007, and addressed to Steve Sandy, AEP commented on the *Lakewatch Spa and Resort Concept Plan*, by stating that the ramp would not be allowed and the number of slips would be based on the amount of Low Density Use shoreline available as well as the amount of Conservation/Environmental shoreline with adequate water depths. However, development would not be allowed along the shoreline classified as Conservation/Environmental. Any proposal submitted for AEP review would have to be in compliance with the Shoreline Management Plan including setback requirements. In addition, the slips could only serve those homes that are located within the original parcel on which the shoreline is located and the slips would have to be constructed in conjunction with the condominium/housing units.

11. Proffered conditions for rezoning as submitted by petitioner:

1. The property shall be developed in substantial conformance with the Rezoning and Special Use Permit Requests Concept Plan for Lakewatch Plantation *Spa & Resort* dated June 1, 2007, revised June 13, 2007, August 3, 2007, and September 15, 2007 prepared by Edward C. Park III and others.

2. The applicant shall provide for the future right of way of Virginia State Route 122 to accommodate one-half of the right of way width required for five (5) traffic lanes (one center turn lane and four travel lanes) up to a maximum of fifty-five feet on the southeast side from the existing centerline. The applicant shall complete the construction of the approved right turn lane into the Spa & Resort facility, design and install the proposed entrance improvements (widen to three entrance lanes and two exit lanes) with the proposed traffic signal when allowed by traffic warrants approved by the Virginia Department of Transportation.
3. The applicant shall install a 20' wide and +/-10' high (+/- two (2) foot variance measured from existing road level) landscape berm outside of the proposed future right of way along Virginia State Route 122. Said berm is to be of varying heights depending upon the existing topography and shall include planted trees along the top of the berm. Trees shall be a mixture of hardwoods and evergreens planted at a maximum separation distance of 25' with a minimum height of 4' at time of planting.
4. Architectural Proffers:
 - a. The design of any future building shall relate to adjacent development that is considered to be contributing to the character of Lakewatch Plantation *Spa & Resort* by the use of complementing forms and materials to create continuity within the resort area. Materials for exterior walls may include (but not be limited to) brick, drivet, and other low maintenance facades; and walls will be articulated through the use of window and door openings, belt courses, pilasters and other similar architectural treatments.
 - b. Architectural detail shall be incorporated to create architectural character. Detail includes highlighting foundations, lintels, sills and cornices with contrasting materials and breaking up the mass of the building with bands at floor levels or projections at entries.
 - c. Windows and doors shall have a regular pattern of solids and voids that are consistent throughout individual buildings.
 - d. Buildings elevations shall be included with any building permit request.
5. Striping or stamped asphalt will be provided at all road crossings.
6. Environmental/Low Impact Development Techniques:

Best management practices for low impact development are based on the premise that most of the pollutants from impervious surfaces are transferred during the first ½ inch of rainfall. Low impact development techniques such as, but not limited to, mini bio-retention ponds, rain barrels, pervious berms, and pervious swales shall be designed and constructed to provide adequate storage and infiltration to meet the Department of Conservation and Recreation guidelines (one-half inch minimum) for storm water quality. These facilities may be provided individually on each site or combined at any other appropriate location.

7. The Concept Plan provides for a projected total uncovered area of 57% with 152 acres, more or less, of said area to be developed open space. The concept plan is preliminary in nature and final site design may require minor changes because of topography and other engineering design issues. Any decrease in open space due to engineering design issues shall not reduce the total amount of open space 7%, thus guaranteeing that a minimum of 50 % of the RPD area shall remain as open space.
 8. A twenty foot wide buffer shall remain in place along the perimeter of the property. This buffer area may remain in its natural state or be replaced with additional landscaping if the buffer function is compromised due to construction or grading requirements. Replacement vegetation shall consist of a double row of evergreen trees (six (6) minimum height at time of planting) with ten (10) foot spacing between rows, five (5) foot staggered offset between rows, and trees at ten (10) foot spacing center to center. Trees shall be planted at the first growing season after final grade has been achieved.
 9. All utilities shall be located underground.
 10. Motor homes in the Motor Coach Village shall be limited to “Class A” motor coach homes only.
13. **Deviations Requested:**
- A. Proposed use descriptions and deviations:**
1. Allow individual lot ownership of motor coach village lots.
 2. Allow residential use of Class A Motor Coach Homes on motor coach village lots.
 3. 8,000 square feet of condominium building (#1) to be used as restaurant and lounge (open to general public), and facilities management office (including boat access reservations). Boat access is restricted for the use of residents or short term tourist rental guests in the development.
 4. 2,000 square feet spa facility (#2) open to general public.
 5. 24,000 square feet community center building (#3) to support the cultural, education, or recreational activities of the surrounding area with banquet and meeting room facilities. A deviation is being requested to allow the community center to operate “for profit.”
 6. 6,000 square feet of the 12,100 square feet boat and golf storage building (#4) reserved for accessory use storage of boats to support recreational access (by ramp) to Smith Mountain Lake for the residents for short term tourist rental guests of the development. Boat storage will be relocated to the proposed community docks if the ramp option is not approved by AEP. The remaining 10,000 square feet provides accessory uses for the golf course (permitted under 25-294).

7. 6,000 square feet wake lake pro shop and restaurant building (#14) to provide accessory services to the wake park public recreation facility.

B. Proposed Size/Height Deviations:

1. 5' deviation from 75' width (with public water and sewer) to 70' width for pond view patio homes, wake lake cottages, and mountain village villas.
2. 25' deviation from 75' width to 50' width and a 1500 square foot deviation from 7500 square foot minimum lot size (public water and sewer) to 6000 square feet for motorcoach home lots.
3. 45' deviation from 75' width (with public water and sewer) to 30' width and 5000 square foot area deviation from 7500 square feet to 2500 square feet for lakeview townhomes.
4. 10' deviation from 40' maximum height restriction to a maximum of 50' for condominium units building #1.

C. Proposed Design Guidelines Deviations:

1. Deviation to Section 16.1-10 (1)(b) to allow boundary survey information to be included with site plan submittals.
2. Deviation to Section 16.1-10 (1)(m) to allow existing operations plan for the sewage treatment plant (previously approved by Franklin County and VDH) to be incorporated by reference.
3. Deviation to Section 25-310 (1) to allow maintenance agreement for private streets to be included with site plan submittals.
4. Deviation to Section 25-144 (b) to allow fifty percent reserve areas pursuant to current special use permit for subsurface disposal system guidelines.

14. Suggested Alternative Motions:

The following suggested motions are sample motions that may be used. They include language found in Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

- 1) I find that the proposal is in substantial conformance with the County's Comprehensive Plan and that such use will be in harmony with the purpose and intent of the zoning ordinance, the public health, safety and general welfare, will promote good zoning practice, and is in accord with Section 25-730 of the Franklin County Code and Section 15.2-2283 of the Code of Virginia. Therefore, I move to recommend approval of the petitioner's request to rezone the property with the submitted proffers and deviations as listed in the staff report.

OR

- 2) I find that the proposal is not in substantial conformance with the County's Comprehensive Plan, may be of substantial detriment to adjacent property and that such use will not promote good zoning practice to aid in the creation of a convenient, attractive, or harmonious community. Therefore I move to deny the request to rezone the property with the submitted proffered conditions.

OR

- 3) I find that the required information for the submitted petition is incomplete. Therefore, I move to delay action until all necessary materials are submitted to the Planning Commission.

Franklin County Planning Commission and Board of Supervisors
Staff Report
October 9 and October 23, 2007
Special Use Permit

Petitioner: Edward C. Park III

Owners: Same

Size of Parcel(s): +/- 576 acres

Size of Request: +/- 4.59 acres

Magisterial District: Gills Creek

Tax ID: Map #30 Parcel #'s 17, 20, 47, and 60; Portion of Map#30, Parcel#46; and Portion of Map#15, Parcel#39

Zoning/Use Request: A Special Use Permit to construct a Boat and Recreational Vehicle Storage within a RPD

Current Zoning: Concurrent with a request to rezone +/- 576 acres from Agricultural (A-1) to Residential Planned Development District (RPD)

1. Nature of Request & Background

The petitioner is requesting a Special Use Permit to allow for +/-4.59 acres of the proposed Lakewatch Plantation Spa and resort to be used for boat and recreational vehicle storage. This request is concurrent with a request to rezone +/-576 acres from A-1 (Agricultural) to RPD (Residential Planned Development District). The subject property is a +/- 576 acres located on the southeast side of Virginia Primary Route 122 (Booker T. Washington Highway) approximately .7 miles east of the intersection of Route 122 and Route 616.

The +/-4.59 acre storage lot will be located at the northwest portion of the proposed project in the general vicinity of the emergency access road.

2. Applicable Regulations

Sec. 25-2 Purpose and intent of the Zoning Ordinance

Sec. 25-4 Relation to the comprehensive plan

Sec. 25-35 General usage terms

Sec. 25-40 Principal definitions of the Zoning Ordinance

Sec. 25-177 through Sec. 25-188, Agricultural District (A-1)

Sec. 25-293 through Sec. 25-311, RPD (Residential Planned Development District)

Sec. 25-481 through Sec. 25-486 Corridor Overlay District

Sec. 25-638 through Sec. 25-645, Special Use Permits

3. Site Characteristics

- a. Ground Cover: Pasture, hardwoods, and pines.
- b. Slope: Slopes on the entire +/- 576 acres range from 3% to approximately 16%. There is approximately 200 feet of total elevation change from Route 122 to Smith Mountain Lake.
- c. Special Features: The Franklin County Board of Supervisors approved a Special Use Permit (Case #U 07-04-01) for a temporary Vegetative Waste Recycle Facility to be located on the subject property. This facility was approved with a maximum life span of five years.

4. Land Use Compatibility

a. Surrounding Uses

- North: Lakewatch Plantation
- East: Vacant/Residential
- South: Vacant/Residential
- West: Business/Residential

b. Adjacent Zoning Districts

- North: RPD
- East: A-1
- South: A-1
- West: B-2 and RPD

c. Site Layout:

An amended concept plan has been developed by the petitioner dated September 15, 2007, which includes the location and size of the proposed uses and buildings. The petitioner proposes a five (5) story one hundred room condominium structure near Smith Mountain Lake. A two thousand square foot spa and pool facility, outdoor tennis courts, and a 24,000 square foot two (2) story community center will be constructed adjacent to the condominium building. The developer proposes a boat ramp and courtesy pier or fifty (50) boat docks along the waterfront.

The concept plan also includes an eighteen-hole golf course with club house, pro shop, putting greens, tennis courts, and driving range.

There is an existing pond with a gazebo that will be utilized for fishing, paddle boating, canoeing, picnicking, and nature viewing. In addition, a centrally located pond will be created to serve as a wake board cable park. A pro shop and restaurant will be associated with the wake board cable park.

The residential component of the project consists of a five (5) story, 100-unit condominium building, seventy-one (71) single family homes, one hundred and fifty nine (159) patio homes, ninety-four (94) cottages, two hundred and eight (208) villas which will be served by private roads with gated access, three hundred and seventy-

two townhouses (372), and thirteen (13) two-story buildings with a total of one hundred, fifty-two (152) condominium units, and one hundred and ninety (190) motor coach lots. All combined equals a total of 1346 residential units.

The petitioner has not provided any detailed information relating to the sign height, square footage and style.

Please reference Concept Plan prepared by Phillip W. Nester dated June 1, 2007, last revised September 15, 2007.

Open Area Requirements: N/A

- d. **Architecture:** The surrounding uses include both one-story and two-story frame and brick buildings. The existing structures on-site are primarily related to agricultural operations. The proposed residential buildings range from single family homes, cottages, villas, condominium units, and townhouses to a motor coach RV Park. Proposed facades include the use of rock and other complementing forms and materials to match the surrounding community. The design of the storage building will be complementary to the condominium structure, community center, and club house.
 - e. **Screening and Landscaping:** A 20' wide and +/- 10' high landscaping berm with planted trees is proposed to be installed along Route 122. The berm will be located a minimum of fifty-five feet from the centerline of Route 122 to allow for future road widening. The concept plan indicates several open spaces and landscaping along the private roads.
 - f. **Historic Features** – The property is not adjacent to any registered historical landmarks.
5. **Transportation:** see VDOT comments below.
6. **Utilities**
- a. **Water:** The proposed project will be served by the Phase I portion of the county water system. All proposed water line extensions will be constructed by the developer, who will offer them to Franklin County for operation and service.
 - b. **Sanitary Sewer:** The project will be served by the Lakewatch Utility Company Sewer System, which includes the offsite mass drain fields pursuant to Special Use Permit #U05-04-03. Accompanying special use permits have been submitted to provide for an expansion of the central sewer system service area; reduction in the 100% reserve drainfield requirement; increase sewerage plant capacity; and to provide for off-site mass drain-fields to be located within the open space areas of this project.
 - c. **Stormwater:** No specifications have been submitted by the applicant.
 - d. **VDOT:** While the traffic information provided is sufficient for VDOT's approval at this stage, without a more detailed and comprehensive traffic study VDOT cannot provide the County with information regarding:
 - *Detailed Level of Service (LOS) on Route 122 and adjoining intersections

*Impacts of the signals on Route 122 LOS

*Timing of when the signal warrants will be met

-The developer will be responsible for design, construction and costs associated with traffic signal required for the development.

-This development will require a VDOT Commercial Entrance Permit.

- e. Solid Waste: The project will utilize centralized private solid waste management facilities for all residential units. The commercial units will have private facilities on-site.

7. Public Services

- a. Emergency Services – Comments requested. None received.
- b. Parks and Recreation – Comments requested. None received.
- c. Schools – Comments requested. None received.
- d. Law Enforcement – Comments requested. None received.

8. Environmental

- a. Air – Impact is foreseen as a result of increased vehicle emissions.
- b. Water -- Minimal impact foreseen.
- c. Stormwater – The developer proposes to use landscaping, riparian buffers, and other Best Management Practices adjacent to Smith Mountain Lake, ponds, and existing water courses to ensure protection of these waters and downstream properties. Water quality measures will be developed to meet state guidelines based on the total amount of impervious surface area.
- d. Soils – A significant amount of soils will be disturbed during construction. These activities will require permits from Franklin County and work performed must comply with local and State requirements.
- e. Noise – An impact on the adjacent properties is expected. The proposed landscaping buffer and proposed golf course around the perimeter will serve as measures to minimize this impact.
- f. Visual Impact – A significant impact is foreseen. The development plans include a boat ramp and courtesy pier, or fifty (50) docks, an 18-hole golf course with associated clubhouse, 1,346 residential units, a 24,000 square foot community center, and five (5) story condominium building. The proposed landscaping buffers will serve to minimize this impact.

9. Relation to Comprehensive Plan

The Future Land Use Map of the 2025 Comprehensive Plan indicates that the property is located within four (4) designated areas. These are **Scenic Roads, Unincorporated Town, Medium Density Residential, and Low Density Residential.**

Based on the Future Land Use Map of the 2025 Comprehensive Plan, the breakdown for this project is approximately:

- 79% Low Density Residential
- 18% Unincorporated Town (Westlake)
- 3% Medium Density Residential

The Background for Unincorporated Town areas (Westlake) states:

Unincorporated Town (Westlake)

Background:

Westlake is located in the northeastern part of Franklin County between Burnt Chimney and Hales Ford Bridge in the proximity of Smith Mountain Lake on Routes 122 and 616. The Westlake area is developing into a commercial area of retail businesses, professional offices, service uses, and proposed residential uses.

Over the past decades, Smith Mountain Lake has been a major source of growth in the County. Initially in the form of second home development and recreational campgrounds, the growth became increasingly affluent in character as a substantial number of year round residents have been attracted to the beauty of the lake and the unique lakefront residential life.

In 2002 the Franklin County Board of Supervisors adopted Westlake Village Center Overlay District. (See Westlake Village Center Overlay District Map) The overlay district was established to promote a development pattern that brings a sense of community to the surrounding rural area.

Over the last several years a number of development projects have been approved in the Westlake Overlay District. Westlake Towne Center with retail, office, and proposed residential living, Westlake Executive Park consisting of professional offices and lending institutions, Westlake Village Business Park has proposed retail, office, and multi-family residential development, and other developments with commercial and residential uses.

New to the Westlake area is the completion of Phase I of the countywide public water system to service the businesses and residents of Westlake. Also, the County worked with developers in the Westlake area in transferring their water systems to County ownership.

LakeWatch Plantation is a development project that is proposed to be included in the Westlake Overlay District. This 479 acre development will consist of commercial, residential, and recreation facilities for the community.

Policies for Westlake

- 1. Encourage infill development of parcels within the Westlake Village Overlay District and discourage the linear development of Routes 122 and 616 corridors outside of the overlay district.*
- 2. Encourage the development of a grid system of interconnected public streets that are bicycle and pedestrian friendly.*
- 3. Encourage the development of public sewer and alternative treatment systems and discourage the development of individual septic systems.*
- 4. Community Design: Development in Towns should be based on adopted community plans that include architectural and site development guidelines.*
- 5. New developments should preserve open space and viewsheds; take into consideration existing vegetation; and incorporate these concepts into site planning to preserve the rural character.*
- 6. Encourage mixed use development with a variety of housing types including housing on the upper floors of commercial buildings.*
- 7. Westlake should develop as a community center with a broad range of uses to provide housing and services to the population of the Town and surrounding areas.*
- 8. Work to establish, identify, and plan the enhancement of key gateways and entry points to the Towns and to establish guidelines for landscaping, setback, and coordination of access so as to enhance the quality of these points.*

The Background for Medium Density Residential states:

Medium Density Residential

Background:

Medium Density Residential areas will allow for residential support services and gross densities of two to four dwelling units per acre. Medium density residential areas should be located in or near Towns or Villages close to convenience shopping, services, and community facilities. Such developments may also occur near Smith Mountain Lake.

Policies for Medium Density Residential

- 1. Residential development should accommodate the natural landscape, preserve trees and vegetation, consider solar access in siting, and provide for an efficient, and visually pleasing residential environment.*
- 2. Lot design should reflect topography, natural boundaries and features, and other physical characteristics.*
- 3. Diversity of building design is encouraged within development areas.*
- 4. Lots in new subdivisions abutting County arterial or major collector roads should be provided access onto service or interior roads so as to prevent the stacking of driveways.*
- 5. Establish density incentives for locating multi-family dwellings, townhouses, and manufactured housing areas close to Towns and communities with schools, services, and facilities that support such densities.*
- 6. On site centralized treatment plants to provide public sewer for each subdivision should be encouraged.*
- 7. Centralized water systems should be required to provide water to all new subdivisions.*
- 8. All new subdivisions located in prime farmland areas should include adequate buffers to separate residential uses from agricultural operations.*
- 9. Encourage interconnection of residential and commercial developments in order to lessen the traffic loads on arterial roads and provide pedestrian and bicycle linkages.*
- 10. Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.*

The Background for Low Density Residential states:

Low Density Residential

Background:

Low Density Residential Areas are intended to allow gross densities of one to two dwellings units per acre and minimum lot sizes of 20,000 - 30,000 square feet in general proximity to residential support services such as schools, playgrounds, and churches. These areas should either be located in or near existing Towns, Villages, or Rural Neighborhood Centers. It is envisioned that public water and/or sewer will someday serve these areas, meeting all local and state standards and requirements. They should be served by new public roads built by the developer to State standards and dedicated to the State. Recreational facilities and other amenities should be provided.

While low density residential areas are typically comprised of traditional neighborhood developments they may also include manufactured housing, free standing townhomes, patio homes and other similar building types.

Policies for Low Density Residential

- 1. All roads should be built to state standards and offered by the developer for inclusion in the state system for maintenance.*
- 2. Lots in new subdivisions abutting County arterial or major collector roads should be provided access onto service or interior roads so as to prevent the stacking of driveways.*

3. *On site centralized treatment plants to provide public sewer for each subdivision should be encouraged.*
4. *The density of all new subdivisions to be served by wells and/or septic systems should be determined by the long term carrying capacity of the land. All new lots should have adequate reserve areas in the event of septic system failures.*
5. *Centralized water systems should be required to provide water to all new subdivisions.*
6. *All new subdivisions located in prime farmland areas should include adequate buffers to separate residential uses from agricultural operations.*
7. *Encourage interconnection of residential and commercial developments in order to lessen the traffic loads on arterial roads and provide pedestrian and bicycle linkages.*
8. *Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.*

The Background for Scenic Roads states:

Scenic Roads

Background:

Scenic roads are those roads that retain a rural feel and sense due to being undeveloped or sparsely developed and contain attributes such as a traditional agricultural development pattern; the road edge is comprised of a natural landscape, and/or has significant viewshed/vista areas at points along the length of the road.

Policies for Scenic Roads

1. *Make sure development along scenic road corridors is compatible with the scenic character of the road and/or draft and adopt development standards to preserve the rural character of these roads.*
2. *Identify significant and important scenic roadscapes and viewsheds through the completion of an inventory and analysis of County roads.*
3. *Develop additional mechanisms to preserve the scenic character of these roads.*
4. *Establish ordinances to protect the viewsheds and roadscapes of these scenic roads.*

10. Staff Evaluation

a. Strengths –

-Will provide storage needs for resort visitors and residents.

Weaknesses –

-The storage area may be visible from Route 122 Corridor if not properly buffered and screened.

-Long-term storage of vehicles and equipment could create a problem of leaking fluids into the soil.

11. Suggested conditions for Special Use Permit.

1. The property shall be developed in substantial conformance with the Rezoning and Special Use Permit Requests Concept Plan for Lakewatch Plantation *Spa and Resort*, dated June 1, 2007 and revised September 15, 2007 and prepared by Edward C. Park III and others (Job No 21-04.)

2. The boat, trailer, and recreational vehicle storage lot shall be located so as to be screened from the view of adjoining property owners outside the development.
3. No buildings shall be allowed within the boat, trailer and recreational vehicle storage lot.
4. The minimum surface treatment for the boat, trailer, and recreational vehicle storage lot shall be a blotted seal coat.
5. A six foot high chain link fence with black or dark green vinyl coating with an electronic gate shall be installed around the storage area for security purposes. Screening shall be installed in those areas where the existing natural vegetation does not adequately screen the storage lot from adjoining properties. Screening shall consist of a minimum of a three (3) foot high berm on all sides of the storage area outside of the fence. This berm shall have trees planted along the top of the berm. Trees shall consist of two (2) staggered rows of evergreen trees with ten (10) foot spacing. Trees shall be a minimum height of six (6) feet at time of planting.
6. Vehicle maintenance shall be prohibited in the boat, trailer, and recreational vehicle storage lot except for minor repairs that would be necessary to enable it to be transported to a repair facility.
7. Valid tags with current decals shall be required for all vehicles stored in the boat, trailer, and recreational vehicle storage lot.
8. Signage shall be limited to a single monument style sign not to exceed thirty-two (32) square feet in area and eight (8) feet in height. Except for no trespassing signs (maximum size of one (1) square feet), no additional signage shall be placed on the fence.
9. All utilities shall be located underground.
10. Use of the storage facility shall be limited to residents and visitors of LakeWatch Plantation Spa and Resort.

12. Suggested Alternative Motions:

The following suggested motions are sample motions that may be used. They include language found in Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

- 1) I find that the proposal will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare. Therefore I move to recommend approval of the petitioner's request for a special use permit with the conditions identified in the staff report.

OR

- 2) I find that the proposal is of substantial detriment to adjacent property and that such use will not aid in the creation of a convenient, attractive, or harmonious community. Therefore I move to deny the request for a special use permit.

OR

- 3) I find that the required information for the submitted petition is incomplete. Therefore I move to delay action until all necessary materials are submitted.

Franklin County Planning Commission and Board of Supervisors
Staff Report
October 9 and October 23, 2007
Special Use Permit

Petitioner: Edward C. Park III

Owners: Same

Size of Parcel(s): +/- 576 acres

Size of Request: +/- 19.35 acres

Magisterial District: Gills Creek

Tax ID: Map #30 Parcel #'s 17, 20, 47, and 60; Portion of Map #30 Parcel #46; and Portion of Map#15 Parcel#39

Zoning/Use Request: A Special Use Permit to allow for Private Roads within a RPD

Current Zoning: Concurrent proposal to rezone +/- 576 acres from Agricultural (A-1) to Residential Planned Development District (RPD)

1. Nature of Request & Background

The petitioner is requesting a Special Use Permit under Section 25-392 of the Franklin County Zoning Ordinance, to permit the use of private roads within the Lakewatch Plantation Spa and Resort concurrent with a request to rezone +/-576 acres from A-1 (Agricultural) to RPD (Residential Planned Development District). The subject property is a +/- 576 acre parcel located on the southeast side of Virginia Primary Route 122 (Booker T. Washington Highway) approximately .7 miles east of the intersection of Route 122 and Route 616.

The proposed commercial entrance into the Lakewatch Plantation Spa and Resort will connect to a private road system that serves the development. The main access road will not be gated in order to provide unrestricted public access to the five (5) story condominium, golf course, club house, driving range, restaurants, and wake board park and its associated pro shop and restaurant. All of the private roads that provide access to residential units will be gated as a security measure for the residents.

The construction of the private roads will meet horizontal alignment, width and pavement cross section requirements mandated by VDOT regulations. The vertical alignment will meet the required standards to the extent possible, but the existing topography may require road sections that exceed twelve (12%) percent grade requirements.

2. **Applicable Regulations**

Sec. 25-2 Purpose and intent of the Zoning Ordinance

Sec. 25-4 Relation to the comprehensive plan

Sec. 25-35 General usage terms

Sec. 25-40 Principal definitions of the Zoning Ordinance

Sec. 25-177 through Sec. 25-188, Agricultural District (A-1)

Sec. 25-293 through Sec. 25-311, RPD (Residential Planned Development District)

Sec. 25-481 through Sec. 25-486 Corridor Overlay District

Sec. 25-638 through Sec. 25-645, Special Use Permits

3. **Site Characteristics**

a. Ground Cover: Pasture, hardwoods, and pines.

b. Slope: Slopes on the entire +/- 576 acres range from 3% to approximately 16%. There is approximately 200 feet of total elevation change from Route 122 to Smith Mountain Lake.

c. Special Features: The Franklin County Board of Supervisors approved a Special Use Permit (Case #U 07-04-01) for a temporary Vegetative Waste Recycle Facility to be located on the subject property. This facility was approved with a maximum life span of five years.

4. **Land Use Compatibility**

a. Surrounding Uses

North: Lakewatch Plantation/Route 122

East: Vacant/Residential

South: Vacant/Residential

West: Business/Residential

b. Adjacent Zoning Districts

North: PCD

East: A-1

South: A-1

West: B-2 and RPD

c. Site Layout:

An amended concept plan has been developed by the petitioner dated September 15, 2007, which includes the location and size of the proposed uses and buildings. The petitioner proposes a five (5) story one hundred room condominium structure near Smith Mountain Lake. A two thousand square foot spa and pool facility, outdoor tennis courts, and a 24,000 square foot two (2) story community center will be constructed adjacent to the condominium building. The developer proposes a boat ramp and courtesy pier or fifty (50) boat docks along the waterfront.

The concept plan also includes an eighteen-hole golf course with club house, pro shop, putting greens, tennis courts, and driving range.

There is an existing pond with a gazebo that will be utilized for fishing, paddle boating, canoeing, picnicking, and nature viewing. In addition, a centrally located pond will be created to serve as a wake board cable park. A pro shop and restaurant will be associated with the wake board cable park.

The residential component of the project consists of a five (5) story, 100-unit condominium building, seventy-one (71) single family homes, one hundred and fifty nine (159) patio homes, ninety-four (94) cottages, two hundred and eight (208) villas which will be served by private roads with gated access, three hundred and seventy-two townhouses (372), and thirteen (13) two-story buildings with a total of one hundred, fifty-two (152) condominium units, and one hundred and ninety (190) motor coach lots. All combined equals a total of 1346 residential units.

The petitioner has not provided any detailed information relating to the sign height, square footage and style.

Please reference Concept Plan prepared by Phillip W. Nester dated June 1, 2007, last revised September 15, 2007.

Open Area Requirements: N/A

- d. Architecture: The surrounding uses include both one-story and two-story frame and brick buildings. The existing structures on-site are primarily related to agricultural operations. The proposed residential buildings range from single family homes, cottages, villas, condominium units, and townhouses to a motor coach RV Park. Proposed facades include the use of rock and other complementing forms and materials to match the surrounding community.
- e. Screening and Landscaping: A 20' wide and +/- 10' high landscaping berm with planted trees is proposed to be installed along Route 122. The berm will be located a minimum of fifty-five feet from the centerline of Route 122 to allow for future road widening. The concept plan indicates several open spaces and landscaping along the private roads.
- f. Historic Features – The property is not adjacent to any registered historical landmarks.

5. **Transportation:** see VDOT comments below.

6. **Utilities**

- a. Water: The proposed project will be served by the Phase I portion of the county water system. All proposed water line extensions will be constructed by the developer, who will offer them to Franklin County for operation and service.

- b. Sanitary Sewer: The project will be served by the Lakewatch Utility Company Sewer System, which includes the offsite mass drain fields pursuant to Special Use Permit #U05-04-03. Accompanying special use permits have been submitted to provide for an expansion of the central sewer system service area; and to provide for off-site mass drain-fields to be located within the open space areas of this project.
- c. Stormwater: No specifications have been submitted by the applicant.
- d. VDOT: While the traffic information provided is sufficient for VDOT's approval at this stage, without a more detailed and comprehensive traffic study VDOT cannot provide the County with information regarding:
 - *Detailed Level of Service (LOS) on Route 122 and adjoining intersections
 - *Impacts of the signals on Route 122 LOS
 - *Timing of when the signal warrants will be met
 -The developer will be responsible for design, construction and costs associated with traffic signal required for the development.
 -This development will require a VDOT Commercial Entrance Permit.
- e. Solid Waste: The project will utilize centralized private solid waste management facilities for all residential units. The commercial units will have private facilities on-site.

7. Public Services

- a. Emergency Services – Comments requested. None received.
- b. Parks and Recreation – Comments requested. None received.
- c. Schools – Comments requested. None received.
- d. Law Enforcement – Comments requested. None received.

8. Environmental

- a. Air – Impact is foreseen as a result of increased vehicle emissions.
- b. Water -- Minimal impact foreseen.
- c. Stormwater – The developer proposes to use landscaping, riparian buffers, and other Best Management Practices adjacent to Smith Mountain Lake, ponds, and existing water courses to ensure protection of these waters and downstream properties. Water quality measures will be developed to meet state guidelines based on the total amount of impervious surface area.
- d. Soils – A significant amount of soils will be disturbed during construction.
- e. Noise – An impact on the adjacent properties is expected. The proposed landscaping buffer and proposed golf course around the perimeter will serve as measures to minimize this impact.
- f. Visual Impact – A significant impact is foreseen. The development plans include a boat ramp and courtesy pier, or fifty (50) docks, an 18-hole golf course with associated clubhouse, 1,346 residential units, a 24,000 square foot community center, and five (5) story condominium building. The proposed landscaping buffers will serve to minimize this impact.

9. Relation to Comprehensive Plan

The Future Land Use Map of the 2025 Comprehensive Plan indicates that the property is located within four (4) designated areas. These are **Scenic Roads, Unincorporated Town, Medium Density Residential, and Low Density Residential**.

Based on the Future Land Use Map of the 2025 Comprehensive Plan, the breakdown for this project is approximately:

- 79% Low Density Residential
- 18% Unincorporated Town (Westlake)
- 3% Medium Density Residential

The Background for Unincorporated Town areas (Westlake) states:

Unincorporated Town (Westlake)

Background:

Westlake is located in the northeastern part of Franklin County between Burnt Chimney and Hales Ford Bridge in the proximity of Smith Mountain Lake on Routes 122 and 616. The Westlake area is developing into a commercial area of retail businesses, professional offices, service uses, and proposed residential uses.

Over the past decades, Smith Mountain Lake has been a major source of growth in the County. Initially in the form of second home development and recreational campgrounds, the growth became increasingly affluent in character as a substantial number of year round residents have been attracted to the beauty of the lake and the unique lakefront residential life.

In 2002 the Franklin County Board of Supervisors adopted Westlake Village Center Overlay District. (See Westlake Village Center Overlay District Map) The overlay district was established to promote a development pattern that brings a sense of community to the surrounding rural area.

Over the last several years a number of development projects have been approved in the Westlake Overlay District. Westlake Towne Center with retail, office, and proposed residential living, Westlake Executive Park consisting of professional offices and lending institutions, Westlake Village Business Park has proposed retail, office, and multi-family residential development, and other developments with commercial and residential uses.

New to the Westlake area is the completion of Phase I of the countywide public water system to service the businesses and residents of Westlake. Also, the County worked with developers in the Westlake area in transferring their water systems to County ownership.

LakeWatch Plantation is a development project that is proposed to be included in the Westlake Overlay District. This 479 acre development will consist of commercial, residential, and recreation facilities for the community.

Policies for Westlake

- 1. Encourage infill development of parcels within the Westlake Village Overlay District and discourage the linear development of Routes 122 and 616 corridors outside of the overlay district.*
- 2. Encourage the development of a grid system of interconnected public streets that are bicycle and pedestrian friendly.*
- 3. Encourage the development of public sewer and alternative treatment systems and discourage the development of individual septic systems.*
- 4. Community Design: Development in Towns should be based on adopted community plans that include architectural and site development guidelines.*
- 5. New developments should preserve open space and viewsheds; take into consideration existing vegetation; and incorporate these concepts into site planning to preserve the rural character.*
- 6. Encourage mixed use development with a variety of housing types including housing on the upper floors of commercial buildings.*

7. *Westlake should develop as a community center with a broad range of uses to provide housing and services to the population of the Town and surrounding areas.*
8. *Work to establish, identify, and plan the enhancement of key gateways and entry points to the Towns and to establish guidelines for landscaping, setback, and coordination of access so as to enhance the quality of these points.*

The Background for Medium Density Residential states:

Medium Density Residential

Background:

Medium Density Residential areas will allow for residential support services and gross densities of two to four dwelling units per acre. Medium density residential areas should be located in or near Towns or Villages close to convenience shopping, services, and community facilities. Such developments may also occur near Smith Mountain Lake.

Policies for Medium Density Residential

1. *Residential development should accommodate the natural landscape, preserve trees and vegetation, consider solar access in siting, and provide for an efficient, and visually pleasing residential environment.*
2. *Lot design should reflect topography, natural boundaries and features, and other physical characteristics.*
3. *Diversity of building design is encouraged within development areas.*
4. *Lots in new subdivisions abutting County arterial or major collector roads should be provided access onto service or interior roads so as to prevent the stacking of driveways.*
5. *Establish density incentives for locating multi-family dwellings, townhouses, and manufactured housing areas close to Towns and communities with schools, services, and facilities that support such densities.*
6. *On site centralized treatment plants to provide public sewer for each subdivision should be encouraged.*
7. *Centralized water systems should be required to provide water to all new subdivisions.*
8. *All new subdivisions located in prime farmland areas should include adequate buffers to separate residential uses from agricultural operations.*
9. *Encourage interconnection of residential and commercial developments in order to lessen the traffic loads on arterial roads and provide pedestrian and bicycle linkages.*
10. *Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.*

The Background for Low Density Residential states:

Low Density Residential

Background:

Low Density Residential Areas are intended to allow gross densities of one to two dwellings units per acre and minimum lot sizes of 20,000 - 30,000 square feet in general proximity to residential support services such as schools, playgrounds, and churches. These areas should either be located in or near existing Towns, Villages, or Rural Neighborhood Centers. It is envisioned that public water and/or sewer will someday serve these areas, meeting all local and state standards and requirements. They should be served by new public roads built by the developer to State standards and dedicated to the State. Recreational facilities and other amenities should be provided.

While low density residential areas are typically comprised of traditional neighborhood developments they may also include manufactured housing, free standing townhomes, patio homes and other similar building types.

Policies for Low Density Residential

1. *All roads should be built to state standards and offered by the developer for inclusion in the state system for maintenance.*
2. *Lots in new subdivisions abutting County arterial or major collector roads should be provided access onto service or interior roads so as to prevent the stacking of driveways.*
3. *On site centralized treatment plants to provide public sewer for each subdivision should be encouraged.*
4. *The density of all new subdivisions to be served by wells and/or septic systems should be determined by the long term carrying capacity of the land. All new lots should have adequate reserve areas in the event of septic system failures.*
5. *Centralized water systems should be required to provide water to all new subdivisions.*
6. *All new subdivisions located in prime farmland areas should include adequate buffers to separate residential uses from agricultural operations.*
7. *Encourage interconnection of residential and commercial developments in order to lessen the traffic loads on arterial roads and provide pedestrian and bicycle linkages.*
8. *Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.*

The Background for Scenic Roads states:

Scenic Roads

Background:

Scenic roads are those roads that retain a rural feel and sense due to being undeveloped or sparsely developed and contain attributes such as a traditional agricultural development pattern; the road edge is comprised of a natural landscape, and/or has significant viewshed/vista areas at points along the length of the road.

Policies for Scenic Roads

1. *Make sure development along scenic road corridors is compatible with the scenic character of the road and/or draft and adopt development standards to preserve the rural character of these roads.*
2. *Identify significant and important scenic roadscapes and viewsheds through the completion of an inventory and analysis of County roads.*
3. *Develop additional mechanisms to preserve the scenic character of these roads.*
4. *Establish ordinances to protect the viewsheds and roadscapes of these scenic roads.*

10. Staff Evaluation

a. Strengths –

-The use of private roads allows flexibility with the design of bikeways and walkways.

Weaknesses –

-The proposed private road system is inconsistent with the County's Comprehensive Plan Objectives in Low Density Residential areas.

-The proposed private roads do not provide interconnectivity within the development or to adjoining properties.

-The entire development is served by only one access point off of Route 122.

11. Suggested conditions for Special Use Permit.

1. The property shall be developed in substantial conformance with the Rezoning and Special Use Permit Requests Concept Plan for Lakewatch Plantation *Spa and Resort*, dated June 1, 2007 and revised September 15, 2007 and prepared by Edward C. Park III and others (Job No 21-04.)
2. The proposed private road system shall be designed by an individual licensed by the Commonwealth of Virginia to provide such services and meet the horizontal alignment and pavement cross section requirements specified in Virginia Department of Transportation regulations for subdivision streets. All road construction plans shall include location and cross-sections of all pedestrian walkways, sidewalks and bike paths. Road grades shall not exceed fourteen percent (14%) for more than four (4) individual two-hundred (200) foot road segments. The final surface coat shall be asphalt pavement.
3. The portion of the road constructed along the proposed earthen embankment directly adjacent to the Wake Board Cable Park (#13 on concept plan) shall be inspected for safety of the roadway prior to vehicle use. This shall require certification of the earthen embankment by a Virginia licensed geotechnical engineer and review and comment by the Virginia Department of Conservation and Recreation, Division of Dam Safety.
4. The developer shall record a document in the land records of the Clerk of the Circuit Court prior to receiving a certificate of occupancy for any dwellings served by the private roads, obligating the property owner's to pay for upkeep and maintenance of the private roads on a pro-rata basis or other basis as determined.
5. No Certificates of Occupancy shall be issued to any residence (or other use) served by such private road prior to an initial coat of surface treatment being placed on such private road serving the residence (or other use).
6. Surety shall be posted in the form of a letter of credit or cash escrow with Franklin County for the construction of the private road system and shall not be released until the County has received a certification, from an individual licensed by the Commonwealth of Virginia to provide such services, that the construction of the road meets all applicable requirements consistent with required VDOT Subdivision Streets Standards.

12. Suggested Alternative Motions:

The following suggested motions are sample motions that may be used. They include language found in Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

- 1) I find that the proposal will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare. Therefore I move to recommend approval of the petitioner's request for a special use permit with the conditions identified in the staff report.

OR

- 2) I find that the proposal is of substantial detriment to adjacent property and that such use will not aid in the creation of a convenient, attractive, or harmonious community. Therefore I move to deny the request for a special use permit.

OR

- 3) I find that the required information for the submitted petition is incomplete. Therefore I move to delay action until all necessary materials are submitted.

Franklin County Planning Commission and Board of Supervisors
Staff Report
October 9 and October 23, 2007
Special Use Permit

Petitioner: Lakewatch Utility Company (Owner: Edward C. Park III)

Owners: Same

Size of Parcel(s): +/- 605 acres

Size of Request: +/- 576 acres of proposed RPD, along with 29 acres of remaining A1

Magisterial District: Gills Creek

Tax ID: Map #30 Parcel #'s 17, 19.1, 20, 46, 47, and 60; and Portion of #15, Parcel#39

Zoning/Use Request: **A Special Use Permit to allow for extension of sewer service area**

Current Zoning: Rezone +/- 576 acres from Agricultural (A-1) to Residential Planned Development District (RPD) has been filed concurrently with this request, and 29 acres not associated with concurrent rezoning which are to remain A1

1. Nature of Request & Background

The petitioner is requesting a Special Use Permit under Section 25-392 of the Franklin County Zoning Ordinance, to amend a previously approved Special Use Permit (Case # 05-04-03) and subsequent amendment (Case # AU 07-06-01) to increase the sewer service area for the proposed Lakewatch Plantation Spa and Resort and property fronting along Virginia Primary Route 122 (Booker T. Washington Highway). This request is made concurrent with a request to rezone +/-576 acres from A-1 (Agricultural) to RPD (Residential Planned Development District). The subject property is a +/- 605 acre parcel located on the southeast side of Virginia Primary Route 122 (Booker T. Washington Highway) approximately .7 miles east of the intersection of Route 122 and Route 616, along.

2. Applicable Regulations

Sec. 25-2 Purpose and intent of the Zoning Ordinance

Sec. 25-35 General usage terms

Sec. 25-40 Principal definitions of the Zoning Ordinance

Sec. 25-177 through Sec. 25-188, Agricultural District (A-1)

Sec. 25-293 through Sec. 25-311, RPD (Residential Planned Development District)

Sec. 25-638 through Sec. 25-645, Special Use Permits

3. Site Characteristics

- a. Ground Cover: Pasture, hardwoods, and pines.
- b. Slope: Slopes on the entire +/- 605 acres range from 3% to approximately 16%. There is approximately 200 feet of total elevation change from Route 122 to Smith Mountain Lake.
- c. Special Features: The Franklin County Board of Supervisors approved a Special Use Permit (Case #U 07-04-01) for a temporary Vegetative Waste Recycle Facility to be located on the subject property. This facility was approved with a maximum life span of five years.

4. Land Use Compatibility

a. Surrounding Uses

North: Lakewatch Plantation/Route 122

East: Vacant/Residential

South: Vacant/Residential

West: Business/Residential

b. Adjacent Zoning Districts

North: PCD

East: A-1

South: A-1

West: B-2 and RPD

c. Site Layout:

An amended concept plan has been developed by the petitioner dated September 15, which includes the location and size of the proposed uses and buildings. The petitioner proposes a five (5) story one hundred room condominium structure near Smith Mountain Lake. A two thousand square foot spa and pool facility, outdoor tennis courts, and a 24,000 square foot two (2) story community center will be constructed adjacent to the condominium building. The developer proposes a boat ramp and courtesy pier or fifty (50) boat docks along the waterfront.

The concept plan also includes an eighteen-hole golf course with club house, pro shop, putting greens, tennis courts, and driving range.

There is an existing pond with a gazebo that will be utilized for fishing, paddle boating, canoeing, picnicking, and nature viewing. In addition, a centrally located pond will be created to serve as a wake board cable park. A pro shop and restaurant will be associated with the wake board cable park.

The residential component of the project consists of a five (5) story, 100-unit condominium building, seventy-one (71) single family homes, one hundred and fifty nine (159) patio homes, ninety-four (94) cottages, two hundred and eight (208) villas which will be served by private roads with gated access, three hundred and seventy-

two townhouses (372), and thirteen (13) two-story buildings with a total of one hundred, fifty-two (152) condominium units, and one hundred and ninety (190) motor coach lots. All combined equals a total of 1346 residential units.

The petitioner has not provided any detailed information relating to the sign height, square footage and style.

Please reference Concept Plan prepared by Phillip W. Nester dated June 1, 2007, last revised September 15, 2007.

Open Area Requirements: N/A

- d. Architecture: The surrounding uses include both one-story and two-story frame and brick buildings. The existing structures on-site are primarily related to agricultural operations. The proposed residential buildings range from single family homes, cottages, villas, condominium units, and townhouses to a motor coach RV Park. Proposed facades include the use of rock and other complementing forms and materials to match the surrounding community.
- e. Screening and Landscaping: A 20' wide and +/- 10' high landscaping berm with planted trees is proposed to be installed along Route 122. The berm will be located a minimum of fifty-five feet from the centerline of Route 122 to allow for future road widening. The concept plan indicates several open spaces and landscaping along the private roads.
- f. Historic Features – The property is not adjacent to any registered historical landmarks.

5. **Transportation:** see VDOT comments below.

6. **Utilities**

- a. Water: The proposed project will be served by the Phase I portion of the county water system. All proposed water line extensions will be constructed by the developer, who will offer them to Franklin County for operation and service.
- b. Sanitary Sewer: The project will be served by the Lakewatch Utility Company Sewer System, which includes the offsite mass drain fields pursuant to Special Use Permit #U05-04-03. Accompanying special use permits have been submitted to provide for an expansion of the central sewer system service area; reduction in the 100% reserve drainfield requirement; increase sewerage plant capacity; and to provide for off-site mass drain-fields to be located within the open space areas of this project.
- c. Stormwater: No specifications have been submitted by the applicant.
- d. VDOT: While the traffic information provided is sufficient for VDOT's approval at this stage, without a more detailed and comprehensive traffic study VDOT cannot provide the County with information regarding:
 - *Detailed Level of Service (LOS) on Route 122 and adjoining intersections
 - *Impacts of the signals on Route 122 LOS
 - *Timing of when the signal warrants will be met

-The developer will be responsible for design, construction and costs associated with traffic signal required for the development.

-This development will require a VDOT Commercial Entrance Permit.

- e. Solid Waste: The project will utilize centralized private solid waste management facilities for all residential units. The commercial units will have private facilities on-site.

7. Public Services

- a. Emergency Services – Comments requested. None received.
- b. Parks and Recreation – Comments requested. None received.
- c. Schools – Comments requested. None received.
- d. Law Enforcement – Comments requested. None received.

8. Environmental

- a. Air – Impact is foreseen as a result of increased vehicle emissions.
- b. Water -- Minimal impact foreseen.
- c. Stormwater – The developer proposes to use landscaping, riparian buffers, and other Best Management Practices adjacent to Smith Mountain Lake, ponds, and existing water courses to ensure protection of these waters and downstream properties. Water quality measures will be developed to meet state guidelines based on the total amount of impervious surface area.
- d. Soils – A significant amount of soils will be disturbed during construction.
- e. Noise – An impact on the adjacent properties is expected. The proposed landscaping buffer and proposed golf course around the perimeter will serve as measures to minimize this impact.
- f. Visual Impact – A significant impact is foreseen. The development plans include a boat ramp and courtesy pier, or fifty (50) docks, an 18-hole golf course with associated clubhouse, 1,346 residential units, a 24,000 square foot community center, and five (5) story condominium building. The proposed landscaping buffers will serve to minimize this impact.

9. Relation to Comprehensive Plan

The Future Land Use Map of the 2025 Comprehensive Plan indicates that the property is located within four (4) designated areas. These are **Scenic Roads, Unincorporated Town, Medium Density Residential, and Low Density Residential**.

Based on the Future Land Use Map of the 2025 Comprehensive Plan, the breakdown for this project is approximately:

- 79% Low Density Residential
- 18% Unincorporated Town (Westlake)
- 3% Medium Density Residential

The Background for Unincorporated Town areas (Westlake) states:

Unincorporated Town (Westlake)

Background:

Westlake is located in the northeastern part of Franklin County between Burnt Chimney and Hales Ford Bridge in the proximity of Smith Mountain Lake on Routes 122 and 616. The Westlake area is developing into a commercial area of retail businesses, professional offices, service uses, and proposed residential uses.

Over the past decades, Smith Mountain Lake has been a major source of growth in the County. Initially in the form of second home development and recreational campgrounds, the growth became increasingly affluent in character as a substantial number of year round residents have been attracted to the beauty of the lake and the unique lakefront residential life.

In 2002 the Franklin County Board of Supervisors adopted Westlake Village Center Overlay District. (See Westlake Village Center Overlay District Map) The overlay district was established to promote a development pattern that brings a sense of community to the surrounding rural area.

Over the last several years a number of development projects have been approved in the Westlake Overlay District. Westlake Towne Center with retail, office, and proposed residential living, Westlake Executive Park consisting of professional offices and lending institutions, Westlake Village Business Park has proposed retail, office, and multi-family residential development, and other developments with commercial and residential uses.

New to the Westlake area is the completion of Phase I of the countywide public water system to service the businesses and residents of Westlake. Also, the County worked with developers in the Westlake area in transferring their water systems to County ownership.

LakeWatch Plantation is a development project that is proposed to be included in the Westlake Overlay District. This 479 acre development will consist of commercial, residential, and recreation facilities for the community.

Policies for Westlake

- 1. Encourage infill development of parcels within the Westlake Village Overlay District and discourage the linear development of Routes 122 and 616 corridors outside of the overlay district.*
- 2. Encourage the development of a grid system of interconnected public streets that are bicycle and pedestrian friendly.*
- 3. Encourage the development of public sewer and alternative treatment systems and discourage the development of individual septic systems.*
- 4. Community Design: Development in Towns should be based on adopted community plans that include architectural and site development guidelines.*
- 5. New developments should preserve open space and viewsheds; take into consideration existing vegetation; and incorporate these concepts into site planning to preserve the rural character.*
- 6. Encourage mixed use development with a variety of housing types including housing on the upper floors of commercial buildings.*
- 7. Westlake should develop as a community center with a broad range of uses to provide housing and services to the population of the Town and surrounding areas.*

8. *Work to establish, identify, and plan the enhancement of key gateways and entry points to the Towns and to establish guidelines for landscaping, setback, and coordination of access so as to enhance the quality of these points.*

The Background for Medium Density Residential states:

Medium Density Residential

Background:

Medium Density Residential areas will allow for residential support services and gross densities of two to four dwelling units per acre. Medium density residential areas should be located in or near Towns or Villages close to convenience shopping, services, and community facilities. Such developments may also occur near Smith Mountain Lake.

Policies for Medium Density Residential

1. *Residential development should accommodate the natural landscape, preserve trees and vegetation, consider solar access in siting, and provide for an efficient, and visually pleasing residential environment.*
2. *Lot design should reflect topography, natural boundaries and features, and other physical characteristics.*
3. *Diversity of building design is encouraged within development areas.*
4. *Lots in new subdivisions abutting County arterial or major collector roads should be provided access onto service or interior roads so as to prevent the stacking of driveways.*
5. *Establish density incentives for locating multi-family dwellings, townhouses, and manufactured housing areas close to Towns and communities with schools, services, and facilities that support such densities.*
6. *On site centralized treatment plants to provide public sewer for each subdivision should be encouraged.*
7. *Centralized water systems should be required to provide water to all new subdivisions.*
8. *All new subdivisions located in prime farmland areas should include adequate buffers to separate residential uses from agricultural operations.*
9. *Encourage interconnection of residential and commercial developments in order to lessen the traffic loads on arterial roads and provide pedestrian and bicycle linkages.*
10. *Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.*

The Background for Low Density Residential states:

Low Density Residential

Background:

Low Density Residential Areas are intended to allow gross densities of one to two dwellings units per acre and minimum lot sizes of 20,000 - 30,000 square feet in general proximity to residential support services such as schools, playgrounds, and churches. These areas should either be located in or near existing Towns, Villages, or Rural Neighborhood Centers. It is envisioned that public water and/or sewer will someday serve these areas, meeting all local and state standards and requirements. They should be served by new public roads built by the developer to State standards and dedicated to the State. Recreational facilities and other amenities should be provided.

While low density residential areas are typically comprised of traditional neighborhood developments they may also include manufactured housing, free standing townhomes, patio homes and other similar building types.

Policies for Low Density Residential

1. *All roads should be built to state standards and offered by the developer for inclusion in the state system for maintenance.*
2. *Lots in new subdivisions abutting County arterial or major collector roads should be provided access onto service or interior roads so as to prevent the stacking of driveways.*
3. *On site centralized treatment plants to provide public sewer for each subdivision should be encouraged.*
4. *The density of all new subdivisions to be served by wells and/or septic systems should be determined by the long term carrying capacity of the land. All new lots should have adequate reserve areas in the event of septic system failures.*
5. *Centralized water systems should be required to provide water to all new subdivisions.*
6. *All new subdivisions located in prime farmland areas should include adequate buffers to separate residential uses from agricultural operations.*
7. *Encourage interconnection of residential and commercial developments in order to lessen the traffic loads on arterial roads and provide pedestrian and bicycle linkages.*
8. *Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.*

The Background for Scenic Roads states:

Scenic Roads

Background:

Scenic roads are those roads that retain a rural feel and sense due to being undeveloped or sparsely developed and contain attributes such as a traditional agricultural development pattern; the road edge is comprised of a natural landscape, and/or has significant viewshed/vista areas at points along the length of the road.

Policies for Scenic Roads

1. *Make sure development along scenic road corridors is compatible with the scenic character of the road and/or draft and adopt development standards to preserve the rural character of these roads.*
2. *Identify significant and important scenic roadscapes and viewsheds through the completion of an inventory and analysis of County roads.*
3. *Develop additional mechanisms to preserve the scenic character of these roads.*
4. *Establish ordinances to protect the viewsheds and roadscapes of these scenic roads.*

10. Staff Evaluation

a. Strengths –

- The use of central sewer system is preferred method of sewage disposal over multiple individual on-site systems
- This request would conform with the current policy on off-site drainfield areas

Weaknesses –

- Current central sewer system approved for LakeWatch has a wastewater treatment plant capacity of 150,000 gallons per day and can not adequately serve this proposed development. Associated special use permit request has been filed to increase capacity.

11. Suggested conditions for Special Use Permit.

1. The property shall be developed in substantial conformance with the Rezoning and Concept Plan for Lakewatch Plantation *Spa and Resort*, dated June 1, 2007 and revised September 15, 2007 and prepared by Edward C. Park III and others (Job No 21-04.)
2. The design of any wastewater treatment facility or mass drain field shall comply with all of the requirements as found in the Special Use Permit Standard Guidelines for Subsurface Wastewater Disposal Systems as adopted by the Board of Supervisors of Franklin County adopted July 18, 2006.
3. A twenty (20) foot wide vegetative buffer shall remain along Route 951.
4. The proposed sewer system and associated drainfields shall be constructed in general conformity with the concept plan prepared by ACS Design and dated March 11, 2005.
5. This special use permit includes Tax Parcels 15-39, 15-40, and 15-42 (Lakewatch Plantation Rural Village Center) pursuant to Final Order Case # U 05-04-03, Tax Parcel 15-47.1 (sixteen waterfront lots) pursuant to Final Order Case # UA 06-04-02, Tax Parcel 15.2-8 (0.608 acre, Lot (A, Aubon Water Company) pursuant to Final Order Case # UA 07-06-01, and may be extended to include sewage generation from Map #30-17, 30-19.1, 30-20, 30-46, 30-47, and 30-60; and Portion of #15-39 (consisting of +/- 576 acres, Lakewatch Plantation Spa and Resort rezone request and +/- 29 acres remaining A1).
6. Any future uses on the existing 29 acre A1 parcel shall be subject to an additional special use permit request.

12. Suggested Alternative Motions:

The following suggested motions are sample motions that may be used. They include language found in Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

- 1) I find that the proposal will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare. Therefore I move to recommend approval of the petitioner's request for a special use permit with the conditions identified in the staff report.

OR

- 2) I find that the proposal is of substantial detriment to adjacent property and that such use will not aid in the creation of a convenient, attractive, or harmonious community. Therefore I move to deny the request for a special use permit.

OR

- 3) I find that the required information for the submitted petition is incomplete. Therefore I move to delay action until all necessary materials are submitted.

Franklin County Planning Commission and Board of Supervisors
Staff Report
October 9 and October 23, 2007
Special Use Permit

Petitioner: Lakewatch Utility Company (Owner: Edward C. Park III)

Owners: Same

Size of Parcel(s): +/- 605 acres

Size of Request: +/- 150 to 200 acres

Magisterial District: Gills Creek

Tax ID: Map #30 Parcel #'s 17, 20, 46, 47, and 60; and Portion of #15, Parcel# 39. Existing Treatment Plant and Mass Drainfields located on Map# 15 Parcel# 42.

Zoning/Use Request: **A Special Use Permit to allow for off-site mass drainfields and physical plant**

Current Zoning: Rezone +/- 576 acres from Agricultural (A-1) to Residential Planned Development District (RPD) has been filed concurrently with this request and 29 acres to remain Agricultural (A-1)

1. Nature of Request & Background

The petitioner is requesting a Special Use Permit under Section 25-392 of the Franklin County Zoning Ordinance, to permit the use of off-site mass drainfields within the Lakewatch Plantation Spa and Resort concurrent with a request to rezone +/-576 acres from A-1 (Agricultural) to RPD (Residential Planned Development District). The subject property is a +/- 605 acre parcel located on the southeast side of Virginia Primary Route 122 (Booker T. Washington Highway) approximately .7 miles east of the intersection of Route 122 and Route 616.

The proposed development consisting of the Lakewatch Plantation Spa and Resort is requesting to connect to the existing central sewer system currently serving LakeWatch Plantation. This special use permit is to allow additional off-site mass drainfields on the subject property for sewage disposal. The off-site mass drainfields are subject to regulations found in Section 25-144.

2. Applicable Regulations

Sec. 25-2 Purpose and intent of the Zoning Ordinance

Sec. 25-35 General usage terms

Sec. 25-40 Principal definitions of the Zoning Ordinance

Sec. 25-177 through Sec. 25-188, Agricultural District (A-1)

Sec. 25-293 through Sec. 25-311, RPD (Residential Planned Development District)

Sec. 25-481 through Sec. 25-486 Corridor Overlay District

3. Site Characteristics

- a. Ground Cover: Pasture, hardwoods, and pines.
- b. Slope: Slopes on the entire +/- 576 acres range from 3% to approximately 16%. There is approximately 200 feet of total elevation change from Route 122 to Smith Mountain Lake.
- c. Special Features: The Franklin County Board of Supervisors approved a Special Use Permit (Case #U 07-04-01) for a temporary Vegetative Waste Recycle Facility to be located on the subject property. This facility was approved with a maximum life span of five years.

4. Land Use Compatibility

a. Surrounding Uses

North: Lakewatch Plantation/Route 122
East: Vacant/Residential
South: Vacant/Residential
West: Business/Residential

b. Adjacent Zoning Districts

North: PCD
East: A-1
South: A-1
West: B-2 and RPD

c. Site Layout:

An amended concept plan has been developed by the petitioner dated August 3, 2007, which includes the location and size of the proposed uses and buildings. The petitioner proposes a five (5) story one hundred room condominium structure near Smith Mountain Lake. A two thousand square foot spa and pool facility, outdoor tennis courts, and a 24,000 square foot two (2) story community center will be constructed adjacent to the condominium building. The developer proposes a boat ramp and courtesy pier or fifty (50) boat docks along the waterfront.

The concept plan also includes an eighteen-hole golf course with club house, pro shop, putting greens, tennis courts, and driving range.

There is an existing pond with a gazebo that will be utilized for fishing, paddle boating, canoeing, picnicking, and nature viewing. In addition, a centrally located pond will be created to serve as a wake board cable park. A pro shop and restaurant will be associated with the wake board cable park.

The residential component of the project consists of a five (5) story, 100-unit condominium building, seventy-one (71) single family homes, one hundred and fifty nine (159) patio homes, ninety-four (94) cottages, two hundred and eight (208) villas which will be served by private roads with gated access, three hundred and seventy-two townhouses (372), and thirteen (13) two-story buildings with a total of one hundred, fifty-two (152) condominium units, and one hundred and ninety (190) motor coach lots. All combined equals a total of 1346 residential units.

The petitioner has not provided any detailed information relating to the sign height, square footage and style.

Please reference Concept Plan prepared by Phillip W. Nester dated June 1, 2007, last revised August 3, 2007.

Open Area Requirements: N/A

- d. Architecture: The surrounding uses include both one-story and two-story frame and brick buildings. The existing structures on-site are primarily related to agricultural operations. The proposed residential buildings range from single family homes, cottages, villas, condominium units, and townhouses to a motor coach RV Park. Proposed facades include the use of rock and other complementing forms and materials to match the surrounding community.
- e. Screening and Landscaping: A 20' wide and +/- 10' high landscaping berm with planted trees is proposed to be installed along Route 122. The berm will be located a minimum of fifty-five feet from the centerline of Route 122 to allow for future road widening. The concept plan indicates several open spaces and landscaping along the private roads.
- f. Historic Features – The property is not adjacent to any registered historical landmarks.

5. **Transportation:** see VDOT comments below.

6. **Utilities**

- a. Water: The proposed project will be served by the Phase I portion of the county water system. All proposed water line extensions will be constructed by the developer, who will offer them to Franklin County for operation and service.
- b. Sanitary Sewer: The project will be served by the Lakewatch Utility Company Sewer System, which includes the offsite mass drain fields pursuant to Special Use Permit #U05-04-03. Accompanying special use permits have been submitted to provide for an expansion of the central sewer system service area; and to provide for off-site mass drain-fields to be located within the open space areas of this project. The existing central sewer system approved for LakeWatch has a wastewater treatment plant capacity of 150,000 gallons per day and can not serve the anticipated flows from this development.
- c. Stormwater: No specifications have been submitted by the applicant.

- d. VDOT: While the traffic information provided is sufficient for VDOT's approval at this stage, without a more detailed and comprehensive traffic study VDOT cannot provide the County with information regarding:
 - *Detailed Level of Service (LOS) on Route 122 and adjoining intersections
 - *Impacts of the signals on Route 122 LOS
 - *Timing of when the signal warrants will be met
 - The developer will be responsible for design, construction and costs associated with traffic signal required for the development.
 - This development will require a VDOT Commercial Entrance Permit.
- e. Solid Waste: The project will utilize centralized private solid waste management facilities for all residential units. The commercial units will have private facilities on-site.

7. Public Services

- a. Emergency Services – Comments requested. None received.
- b. Parks and Recreation – Comments requested. None received.
- c. Schools – Comments requested. None received.
- d. Law Enforcement – Comments requested. None received.

8. Environmental

- a. Air – Impact is foreseen as a result of increased vehicle emissions.
- b. Water -- Minimal impact foreseen.
- c. Stormwater – The developer proposes to use landscaping, riparian buffers, and other Best Management Practices adjacent to Smith Mountain Lake, ponds, and existing water courses to ensure protection of these waters and downstream properties. Water quality measures will be developed to meet state guidelines based on the total amount of impervious surface area.
- d. Soils – A significant amount of soils will be disturbed during construction.
- e. Noise – An impact on the adjacent properties is expected. The proposed landscaping buffer and proposed golf course around the perimeter will serve as measures to minimize this impact.
- f. Visual Impact – A significant impact is foreseen. The development plans include a boat ramp and courtesy pier, or fifty (50) docks, an 18-hole golf course with associated clubhouse, 1,346 residential units, a 24,000 square foot community center, and five (5) story condominium building. The proposed landscaping buffers will serve to minimize this impact.

9. Relation to Comprehensive Plan

The Future Land Use Map of the 2025 Comprehensive Plan indicates that the property is located within four (4) designated areas. These are **Scenic Roads, Unincorporated Town, Medium Density Residential, and Low Density Residential.**

Based on the Future Land Use Map of the 2025 Comprehensive Plan, the breakdown for this project is approximately:

- 79% Low Density Residential
- 18% Unincorporated Town (Westlake)
- 3% Medium Density Residential

The Background for Unincorporated Town areas (Westlake) states:

Unincorporated Town (Westlake)

Background:

Westlake is located in the northeastern part of Franklin County between Burnt Chimney and Hales Ford Bridge in the proximity of Smith Mountain Lake on Routes 122 and 616. The Westlake area is developing into a commercial area of retail businesses, professional offices, service uses, and proposed residential uses.

Over the past decades, Smith Mountain Lake has been a major source of growth in the County. Initially in the form of second home development and recreational campgrounds, the growth became increasingly affluent in character as a substantial number of year round residents have been attracted to the beauty of the lake and the unique lakefront residential life.

In 2002 the Franklin County Board of Supervisors adopted Westlake Village Center Overlay District. (See Westlake Village Center Overlay District Map) The overlay district was established to promote a development pattern that brings a sense of community to the surrounding rural area.

Over the last several years a number of development projects have been approved in the Westlake Overlay District. Westlake Towne Center with retail, office, and proposed residential living, Westlake Executive Park consisting of professional offices and lending institutions, Westlake Village Business Park has proposed retail, office, and multi-family residential development, and other developments with commercial and residential uses.

New to the Westlake area is the completion of Phase I of the countywide public water system to service the businesses and residents of Westlake. Also, the County worked with developers in the Westlake area in transferring their water systems to County ownership.

LakeWatch Plantation is a development project that is proposed to be included in the Westlake Overlay District. This 479 acre development will consist of commercial, residential, and recreation facilities for the community.

Policies for Westlake

- 1. Encourage infill development of parcels within the Westlake Village Overlay District and discourage the linear development of Routes 122 and 616 corridors outside of the overlay district.*
- 2. Encourage the development of a grid system of interconnected public streets that are bicycle and pedestrian friendly.*
- 3. Encourage the development of public sewer and alternative treatment systems and discourage the development of individual septic systems.*
- 4. Community Design: Development in Towns should be based on adopted community plans that include architectural and site development guidelines.*
- 5. New developments should preserve open space and viewsheds; take into consideration existing vegetation; and incorporate these concepts into site planning to preserve the rural character.*
- 6. Encourage mixed use development with a variety of housing types including housing on the upper floors of commercial buildings.*
- 7. Westlake should develop as a community center with a broad range of uses to provide housing and services to the population of the Town and surrounding areas.*
- 8. Work to establish, identify, and plan the enhancement of key gateways and entry points to the Towns and to establish guidelines for landscaping, setback, and coordination of access so as to enhance the quality of these points.*

The Background for Medium Density Residential states:

Medium Density Residential

Background:

Medium Density Residential areas will allow for residential support services and gross densities of two to four dwelling units per acre. Medium density residential areas should be located in or near Towns or Villages close to convenience shopping, services, and community facilities. Such developments may also occur near Smith Mountain Lake.

Policies for Medium Density Residential

- 1. Residential development should accommodate the natural landscape, preserve trees and vegetation, consider solar access in siting, and provide for an efficient, and visually pleasing residential environment.*
- 2. Lot design should reflect topography, natural boundaries and features, and other physical characteristics.*
- 3. Diversity of building design is encouraged within development areas.*
- 4. Lots in new subdivisions abutting County arterial or major collector roads should be provided access onto service or interior roads so as to prevent the stacking of driveways.*
- 5. Establish density incentives for locating multi-family dwellings, townhouses, and manufactured housing areas close to Towns and communities with schools, services, and facilities that support such densities.*
- 6. On site centralized treatment plants to provide public sewer for each subdivision should be encouraged.*
- 7. Centralized water systems should be required to provide water to all new subdivisions.*
- 8. All new subdivisions located in prime farmland areas should include adequate buffers to separate residential uses from agricultural operations.*
- 9. Encourage interconnection of residential and commercial developments in order to lessen the traffic loads on arterial roads and provide pedestrian and bicycle linkages.*
- 10. Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.*

The Background for Low Density Residential states:

Low Density Residential

Background:

Low Density Residential Areas are intended to allow gross densities of one to two dwellings units per acre and minimum lot sizes of 20,000 - 30,000 square feet in general proximity to residential support services such as schools, playgrounds, and churches. These areas should either be located in or near existing Towns, Villages, or Rural Neighborhood Centers. It is envisioned that public water and/or sewer will someday serve these areas, meeting all local and state standards and requirements. They should be served by new public roads built by the developer to State standards and dedicated to the State. Recreational facilities and other amenities should be provided.

While low density residential areas are typically comprised of traditional neighborhood developments they may also include manufactured housing, free standing townhomes, patio homes and other similar building types.

Policies for Low Density Residential

- 1. All roads should be built to state standards and offered by the developer for inclusion in the state system for maintenance.*
- 2. Lots in new subdivisions abutting County arterial or major collector roads should be provided access onto service or interior roads so as to prevent the stacking of driveways.*

3. *On site centralized treatment plants to provide public sewer for each subdivision should be encouraged.*
4. *The density of all new subdivisions to be served by wells and/or septic systems should be determined by the long term carrying capacity of the land. All new lots should have adequate reserve areas in the event of septic system failures.*
5. *Centralized water systems should be required to provide water to all new subdivisions.*
6. *All new subdivisions located in prime farmland areas should include adequate buffers to separate residential uses from agricultural operations.*
7. *Encourage interconnection of residential and commercial developments in order to lessen the traffic loads on arterial roads and provide pedestrian and bicycle linkages.*
8. *Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.*

The Background for Scenic Roads states:

Scenic Roads

Background:

Scenic roads are those roads that retain a rural feel and sense due to being undeveloped or sparsely developed and contain attributes such as a traditional agricultural development pattern; the road edge is comprised of a natural landscape, and/or has significant viewshed/vista areas at points along the length of the road.

Policies for Scenic Roads

1. *Make sure development along scenic road corridors is compatible with the scenic character of the road and/or draft and adopt development standards to preserve the rural character of these roads.*
2. *Identify significant and important scenic roadscapes and viewsheds through the completion of an inventory and analysis of County roads.*
3. *Develop additional mechanisms to preserve the scenic character of these roads.*
4. *Establish ordinances to protect the viewsheds and roadscapes of these scenic roads.*

10. Staff Evaluation

a. Strengths –

-The use of central sewer system is preferred method of sewage disposal over multiple individual on-site systems

Weaknesses –

- Current central sewer system approved for LakeWatch has a wastewater treatment plant capacity of 150,000 gallons per day and can not adequately serve this proposed development. Therefore, additional drainfields and plant capacity are necessary to service this development.

11. Suggested conditions for Special Use Permit.

1. The property shall be developed in substantial conformance with the Rezoning and Concept Plan for Lakewatch Plantation *Spa and Resort*, dated June 1, 2007 and revised September 15, 2007, and prepared by Edward C. Park III and others (Job No 21-04.)
2. The design of any wastewater treatment facility or mass drain field shall comply with all of the requirements as found in the Special Use Permit Standard

Guidelines for Subsurface Wastewater Disposal Systems as adopted by the Board of Supervisors of Franklin County July 18, 2006.

3. This special use permit includes Tax Parcels 15-39, 15-40, 15-41, and 15-42 (Lakewatch Plantation Rural Village Center) pursuant to Final Order Case # U 05-04-03, Tax Parcel 15-47.1 (sixteen water front lots) pursuant to Final Order Case # UA 06-04-02, Tax Parcel 15.2-8 (0.608 acre, Lot 9A, Aubon Water Company) pursuant to Final Order Case # UA 07-06-01, Tax Map # 30-17, 30-19.1, 30-20, 30-46, 30-47, and 30-60; and Portion of #15-39 (consisting of +/- 576 acres, Lakewatch Plantation Spa and Resort rezone request and +/- 29 acres remaining A1).
4. Any future uses on the existing 29 acre A1 parcel shall be subject to an additional special use permit request.

12. Suggested Alternative Motions:

The following suggested motions are sample motions that may be used. They include language found in Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

- 1) I find that the proposal will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare. Therefore I move to recommend approval of the petitioner's request for a special use permit with the conditions identified in the staff report.

OR

- 2) I find that the proposal is of substantial detriment to adjacent property and that such use will not aid in the creation of a convenient, attractive, or harmonious community. Therefore I move to deny the request for a special use permit.

OR

- 3) I find that the required information for the submitted petition is incomplete. Therefore I move to delay action until all necessary materials are submitted.

Franklin County Planning Commission and Board of Supervisors
Staff Report
October 9 and October 23, 2007
Special Use Permit

Petitioner: Lakewatch Utility Company (Owner: Edward C. Park III)

Owners: Same

Size of Parcel(s): +/- 576 acres

Size of Request: +/- 56 acres

Magisterial District: Gills Creek

Tax ID: Map #15 Parcel #'s 39, 40, 41, 42

Zoning/Use Request: A Special Use Permit to allow for reduction in 100% reserve drainfield requirement

Current Zoning: Rezone +/- 576 acres from Agricultural (A-1) to Residential Planned Development District (RPD) has been filed concurrently with this request

1. Nature of Request & Background

The petitioner is requesting a Special Use Permit under Section 25-392 of the Franklin County Zoning Ordinance, to amend a previously approved Special Use Permit (Case # 05-04-03) and subsequent amendment (Case # AU 07-06-01) that required a 100% reserve drainfield within the Lakewatch Plantation Spa and Resort concurrent with a request to rezone +/-576 acres from A-1 (Agricultural) to RPD (Residential Planned Development District). The subject property is a +/- 576 acre parcel located on the southeast side of Virginia Primary Route 122 (Booker T. Washington Highway) approximately .7 miles east of the intersection of Route 122 and Route 616.

The proposed development consisting of the Lakewatch Plantation Spa and Resort is requesting to reduce the 100% reserve drain field requirement based on the current requirement for the sewer system currently serving LakeWatch Plantation to comply with the drainfield policies adopted by the board of supervisors in July 2006.

2. Applicable Regulations

Sec. 25-2 Purpose and intent of the Zoning Ordinance

Sec. 25-35 General usage terms

Sec. 25-40 Principal definitions of the Zoning Ordinance

Sec. 25-177 through Sec. 25-188, Agricultural District (A-1)

Sec. 25-293 through Sec. 25-311, RPD (Residential Planned Development District)

Sec. 25-481 through Sec. 25-486 Corridor Overlay District

Sec. 25-638 through Sec. 25-645, Special Use Permits

3. Site Characteristics

- a. Ground Cover: Pasture, hardwoods, and pines.
- b. Slope: Slopes on the entire +/- 576 acres range from 3% to approximately 16%. There is approximately 200 feet of total elevation change from Route 122 to Smith Mountain Lake.
- c. Special Features: The Franklin County Board of Supervisors approved a Special Use Permit (Case #U 07-04-01) for a temporary Vegetative Waste Recycle Facility to be located on the subject property. This facility was approved with a maximum life span of five years.

4. Land Use Compatibility

a. Surrounding Uses

North: Lakewatch Plantation/Route 122
East: Vacant/Residential
South: Vacant/Residential
West: Business/Residential

b. Adjacent Zoning Districts

North: PCD
East: A-1
South: A-1
West: B-2 and RPD

c. Site Layout:

An amended concept plan has been developed by the petitioner dated September 15, 2007, which includes the location and size of the proposed uses and buildings. The petitioner proposes a five (5) story one hundred room condominium structure near Smith Mountain Lake. A two thousand square foot spa and pool facility, outdoor tennis courts, and a 24,000 square foot two (2) story community center will be constructed adjacent to the condominium building. The developer proposes a boat ramp and courtesy pier or fifty (50) boat docks along the waterfront.

The concept plan also includes an eighteen-hole golf course with club house, pro shop, putting greens, tennis courts, and driving range.

There is an existing pond with a gazebo that will be utilized for fishing, paddle boating, canoeing, picnicking, and nature viewing. In addition, a centrally located pond will be created to serve as a wake board cable park. A pro shop and restaurant will be associated with the wake board cable park.

The residential component of the project consists of a five (5) story, 100-unit condominium building, seventy-one (71) single family homes, one hundred and fifty nine (159) patio homes, ninety-four (94) cottages, two hundred and eight (208) villas which will be served by private roads with gated access, three hundred and seventy-

two townhouses (372), and thirteen (13) two-story buildings with a total of one hundred, fifty-two (152) condominium units, and one hundred and ninety (190) motor coach lots. All combined equals a total of 1346 residential units.

The petitioner has not provided any detailed information relating to the sign height, square footage and style.

Please reference Concept Plan prepared by Phillip W. Nester dated June 1, 2007, last revised September 25, 2007.

Open Area Requirements: N/A

- d. Architecture: The surrounding uses include both one-story and two-story frame and brick buildings. The existing structures on-site are primarily related to agricultural operations. The proposed residential buildings range from single family homes, cottages, villas, condominium units, and townhouses to a motor coach RV Park. Proposed facades include the use of rock and other complementing forms and materials to match the surrounding community.
- e. Screening and Landscaping: A 20' wide and +/- 10' high landscaping berm with planted trees is proposed to be installed along Route 122. The berm will be located a minimum of fifty-five feet from the centerline of Route 122 to allow for future road widening. The concept plan indicates several open spaces and landscaping along the private roads.
- f. Historic Features – The property is not adjacent to any registered historical landmarks.

5. **Transportation:** see VDOT comments below.

6. **Utilities**

- a. Water: The proposed project will be served by the Phase I portion of the county water system. All proposed water line extensions will be constructed by the developer, who will offer them to Franklin County for operation and service.
- b. Sanitary Sewer: The project will be served by the Lakewatch Utility Company Sewer System, which includes the offsite mass drain fields pursuant to Special Use Permit #U05-04-03. Accompanying special use permits have been submitted to provide for an expansion of the central sewer system service area; and to provide for off-site mass drain-fields to be located within the open space areas of this project. The existing central sewer system approved for LakeWatch has a wastewater treatment plant capacity of 150,000 gallons per day and can not serve the anticipated flows from this development.
- c. Stormwater: No specifications have been submitted by the applicant.
- d. VDOT: While the traffic information provided is sufficient for VDOT's approval at this stage, without a more detailed and comprehensive traffic study VDOT cannot provide the County with information regarding:

*Detailed Level of Service (LOS) on Route 122 and adjoining intersections

*Impacts of the signals on Route 122 LOS

*Timing of when the signal warrants will be met

-The developer will be responsible for design, construction and costs associated with traffic signal required for the development.

-This development will require a VDOT Commercial Entrance Permit.

- e. Solid Waste: The project will utilize centralized private solid waste management facilities for all residential units. The commercial units will have private facilities on-site.

7. Public Services

- a. Emergency Services – Comments requested. None received.
- b. Parks and Recreation – Comments requested. None received.
- c. Schools – Comments requested. None received.
- d. Law Enforcement – Comments requested. None received.

8. Environmental

- a. Air – Impact is foreseen as a result of increased vehicle emissions.
- b. Water -- Minimal impact foreseen.
- c. Stormwater – The developer proposes to use landscaping, riparian buffers, and other Best Management Practices adjacent to Smith Mountain Lake, ponds, and existing water courses to ensure protection of these waters and downstream properties. Water quality measures will be developed to meet state guidelines based on the total amount of impervious surface area.
- d. Soils – A significant amount of soils will be disturbed during construction.
- e. Noise – An impact on the adjacent properties is expected. The proposed landscaping buffer and proposed golf course around the perimeter will serve as measures to minimize this impact.
- f. A significant impact is foreseen. The development plans include a boat ramp and courtesy pier, or fifty (50) docks, an 18-hole golf course with associated clubhouse, 1,346 residential units, a 24,000 square foot community center, and five (5) story condominium building. The proposed landscaping buffers will serve to minimize this impact.

9. Relation to Comprehensive Plan

The Future Land Use Map of the 2025 Comprehensive Plan indicates that the property is located within four (4) designated areas. These are **Scenic Roads, Unincorporated Town, Medium Density Residential, and Low Density Residential.**

Based on the Future Land Use Map of the 2025 Comprehensive Plan, the breakdown for this project is approximately:

- 79% Low Density Residential
- 18% Unincorporated Town (Westlake)
- 3% Medium Density Residential

The Background for Unincorporated Town areas (Westlake) states:

Unincorporated Town (Westlake)

Background:

Westlake is located in the northeastern part of Franklin County between Burnt Chimney and Hales Ford Bridge in the proximity of Smith Mountain Lake on Routes 122 and 616. The Westlake area is developing into a commercial area of retail businesses, professional offices, service uses, and proposed residential uses.

Over the past decades, Smith Mountain Lake has been a major source of growth in the County. Initially in the form of second home development and recreational campgrounds, the growth became increasingly affluent in character as a substantial number of year round residents have been attracted to the beauty of the lake and the unique lakefront residential life.

In 2002 the Franklin County Board of Supervisors adopted Westlake Village Center Overlay District. (See Westlake Village Center Overlay District Map) The overlay district was established to promote a development pattern that brings a sense of community to the surrounding rural area.

Over the last several years a number of development projects have been approved in the Westlake Overlay District. Westlake Towne Center with retail, office, and proposed residential living, Westlake Executive Park consisting of professional offices and lending institutions, Westlake Village Business Park has proposed retail, office, and multi-family residential development, and other developments with commercial and residential uses.

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LakeWatch Plantation is a development project that is proposed to be included in the Westlake Overlay District. This 479 acre development will consist of commercial, residential, and recreation facilities for the community.

Policies for Westlake

- 1. Encourage infill development of parcels within the Westlake Village Overlay District and discourage the linear development of Routes 122 and 616 corridors outside of the overlay district.*
- 2. Encourage the development of a grid system of interconnected public streets that are bicycle and pedestrian friendly.*
- 3. Encourage the development of public sewer and alternative treatment systems and discourage the development of individual septic systems.*
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Medium Density Residential

Background:

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- 3. Diversity of building design is encouraged within development areas.*
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While low density residential areas are typically comprised of traditional neighborhood developments they may also include manufactured housing, free standing townhomes, patio homes and other similar building types.

Policies for Low Density Residential

- 1. All roads should be built to state standards and offered by the developer for inclusion in the state system for maintenance.*
- 2. Lots in new subdivisions abutting County arterial or major collector roads should be provided access onto service or interior roads so as to prevent the stacking of driveways.*

3. *On site centralized treatment plants to provide public sewer for each subdivision should be encouraged.*
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8. *Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.*

The Background for Scenic Roads states:

Scenic Roads

Background:

Scenic roads are those roads that retain a rural feel and sense due to being undeveloped or sparsely developed and contain attributes such as a traditional agricultural development pattern; the road edge is comprised of a natural landscape, and/or has significant viewshed/vista areas at points along the length of the road.

Policies for Scenic Roads

1. *Make sure development along scenic road corridors is compatible with the scenic character of the road and/or draft and adopt development standards to preserve the rural character of these roads.*
2. *Identify significant and important scenic roadscapes and viewsheds through the completion of an inventory and analysis of County roads.*
3. *Develop additional mechanisms to preserve the scenic character of these roads.*
4. *Establish ordinances to protect the viewsheds and roadscapes of these scenic roads.*

10. Staff Evaluation

a. Strengths –

- The use of central sewer system is preferred method of sewage disposal over multiple individual on-site systems
- This request would conform with the current policy on drainfield reserve areas

Weaknesses –

- Current central sewer system approved for LakeWatch has a wastewater treatment plant capacity of 150,000 gallons per day and can not adequately serve this proposed development
- This amendment would reduce the reserve drainfield required under the original special use permit approval.

11. Suggested conditions for Special Use Permit.

1. The property shall be developed in substantial conformance with the Rezoning and Concept Plan for Lakewatch Plantation *Spa and Resort*, dated June 1, 2007 and revised September 15, 2007 and prepared by Edward C. Park III and others (Job No 21-04.)

2. The design of any wastewater treatment facility or mass drain field shall comply with all of the requirements as found in the Special Use Permit Standard Guidelines for Subsurface Wastewater Disposal Systems as adopted by the Board of Supervisors of Franklin County on July 18, 2006.
3. A twenty (20) foot wide vegetative buffer shall remain along Route 951.
4. The proposed sewer system and associated drainfields shall be constructed in general conformity with the concept plan prepared by ACS Design and dated March 11, 2005.

12. Suggested Alternative Motions:

The following suggested motions are sample motions that may be used. They include language found in Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

- 1) I find that the proposal will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare. Therefore I move to recommend approval of the petitioner's request for a special use permit with the conditions identified in the staff report.

OR

- 2) I find that the proposal is of substantial detriment to adjacent property and that such use will not aid in the creation of a convenient, attractive, or harmonious community. Therefore I move to deny the request for a special use permit.

OR

- 3) I find that the required information for the submitted petition is incomplete. Therefore I move to delay action until all necessary materials are submitted.