



AGENDA
BEDFORD COUNTY PLANNING COMMISSION

County Administration Board Room
122 E. Main Street, Bedford, VA
Tuesday, September 15, 2020
7:00 p.m. – Regular meeting

Comment(s) for the Citizen Comment Period can be sent to the following address if you are unable to attend: pcpubliccomments@bedfordcountyva.gov.

1. Approval of Agenda
2. Minutes
3. Citizen Comment Period
4. Public Hearings: (1) Rezoning Application #RZ20-0003
Riverbend Development R-1 to C-2
“Parking Facilities” use.

(2) Special Review Project #SRP20-0002
BRWA Proposed Water Line Extension
Joppa Mill Road Between Moneta Road
And Bunker Hill Loop.

(3) Special Review Project #SRP20-0003
BRWA Proposed Booster Station and
Waterline Construction for the Central
Treatment Plant
5. Old Business: Zoning Text Amendments (Microbrewery Water Use)
6. Adjourn

MINUTES

DRAFT

BEDFORD COUNTY PLANNING COMMISSION MINUTES

August 18, 2020

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3
4 The Planning Commission held a regular meeting Tuesday, August 18, 2020 in the Bedford
5 County Administration Building Boardroom with all Commissioners. County staff present was
6 Mr. Patrick Skelley, County Attorney, Mr. Jordan Mitchell, Interim Director of Community
7 Development, and Mrs. Andrea Maddox, Administrative Manager.

8
9 Mr. Burdett called the meeting to order and determined a quorum was present to conduct
10 business. He asked if there were any additions, changes or deletions to the agenda. Mr. Jordan
11 Mitchell stated under new business to add the Comprehensive Plan for discussion. Mr. Moisa
12 made a motion to approve the agenda as amended. Mr. Briscoe seconded the motion. The
13 motion carried with a voice vote of 7-0.

14
15 Mr. Burdett moved to Item 2 Citizen Comment Period. There being none, Mr. Burdett closed the
16 Citizen Comment Period.

17
18 Mr. Burdett moved to Item 3 Old Business concerning Rezoning Application RZ050002 Proffer
19 Modification Request. Mr. Mitchell stated at the last meeting the board voted 6-0 to table the
20 decision on this application. Mr. Orrison submitted the revised proffer; staff reviewed it and
21 found it to be acceptable. Proffer number nine states the following: Any development of Tax
22 Map Number 114-A-82 shall be in compliance with the regulations of the AV district, except
23 that the development shall be limited to the residential uses only as permitted therein. Tax Map
24 Number 114-A-82 shall not be subject to any other proffer associated with rezoning application
25 RZ050002. Mr. Mitchell also noted that the other proffers will remain in effect for all of the
26 other properties that were part of the rezoning request.

27
28 Mr. Gwin made the motion to accept the proffer and approve RZ050002 Proffer
29 Modification Request. Mr. Kessler seconded the motion. A roll call vote was taken and
30 approved with a vote of 7-0.

31
32 Mr. Burdett moved to Item 4 Zoning Text Amendments. Mr. Mitchell discussed the following
33 text amendments with the Planning Commissioners: (1) Short Term Rental Ordinance Section
34 30-100-18, (2) Planned Residential Development and (PRD) District Ordinance Section 30-47-5
35 (3) Septic systems for microbreweries.

36
37 Mr. Burdett moved to discussion of the Comp Plan. Mr. Mitchell stated he intends to develop a
38 work plan. He recommended a work plan which would look at the future land use maps and
39 utilities in the county in 2021. Mr. Burdett stated the review must be started by the end of the
40 year.

41
42 Mr. Moisa made the motion to adjourn. Mr. Kessler seconded the motion. The motion
43 carried with a voice vote of 7-0. The meeting adjourned at 8:47 pm.

DRAFT

47

48 Respectfully submitted,

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52 _____
Jordan Mitchell, Secretary

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54 Approved by:

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58 _____
Jeff Burdett, Chairman

59

REZONING APPLICATION

RZ20-0003

Reclassification of property

Riverbend Development

R-1 to C-2

“Parking Facilities” use

Presenter: Mariel Fowler


540-586-7616 ext 1390

540-586-2059 (fax)

mfowler@bedfordcountyva.gov

MEMORANDUM

TO: Planning Commission, Board of Supervisors

FROM: Mariel Fowler, CZO, Planner 

DATE: August 27, 2020

SUBJECT: **Rezoning Application #RZ20-0003: Riverbend Development - R-1 to C-2 for "Parking Facilities" use**

SYNOPSIS

Riverbend Development c/o Ashley Davies is requesting to rezone a 0.441-acre parcel (Tax Map Number 101D-1-C) owned by Lynn Skinnell Ferguson, John A. Skinnell, Jr., and Kathy Skinnell Brown from R-1 (Low-Density Residential) to C-2 (General Commercial) to establish a "Parking Facility" use. The property is located in Election District #4.

BACKGROUND

Applicant/Authorized Agent

The applicant is Riverbend Development, c/o Ashley Davies, 455 2nd Street SE, Suite 201, Charlottesville, VA 22902.

Engineer

The engineer is Scott Collins with Collins Engineering, 200 Garrett Street, Charlottesville, VA 22902.

Property Owner

The property owners are Lynn Skinnell Ferguson, John A. Skinnell, Jr., and Kathy Skinnell Brown, 1568 Smokey Hollow Road, Lynchburg, VA 24504.

Location

Tax Map Number 101D-1-C is located at 100 Lake Crest Lane in Lynchburg. The property is 0.441 acres in size according to County records.

Proposed Change

The applicant has requested a rezoning of Tax Map Number 101D-1-C to C-2 to bring the property into consistent zoning with the surrounding properties along the Forest Road (Route 221) corridor and allow for a proposed "Parking Facilities" use that supports the commercial uses across Phillips Circle from the property and reduce any impacts caused by overflow parking that was previously an issue along Phillips Circle for the residentially-zoned properties.

ANALYSIS

Zoning/Land Use Compatibility

Tax Map Number 101D-1-C is zoned R-1 and currently has a home (Residential use). Properties in the surrounding area are zoned C-2 along the Route 221 corridor and R-1 to the west. The subject parcel adjoins the City of Lynchburg boundary line to the east, with those properties being zoned R-2 (Low-

Medium Density Residential). The uses in the surrounding area include residential (single-family homes), civic (Pleasant View Baptist Church) commercial (such as East Coast Wings and Starbucks in the Shops at Phillips Circle commercial center), or remain undeveloped.

Zoning Ordinance

The purpose of the R-1 and C-2 zoning districts are as follows:

Low-Density Residential District (R-1)

The R-1, Low-Density residential district is established for areas of the county within the urban service area with existing low-middle density residential development, with an average density of from one (1) to three (3) units per acre, and land which appears appropriate for such development. The R-1 district is intended to provide the highest degree of protection from potentially incompatible uses and residential development of a significantly different density, size, or scale, in order to maintain the health, safety, appearance, and overall quality of life of existing and future neighborhoods. In addition to single-family residences, only uses of a community nature which are generally deemed compatible and permitted in the R-1 district. This would include parks and playgrounds, schools, and other similar neighborhood activities.

General Commercial District (C-2)

The purpose of the C-2 district is to provide locations for a variety of commercial and service related activities within the urban service area serving a community of several neighborhoods or large areas of the county. This district is intended for general application throughout the county. General commercial districts are most appropriately found along major arterial thoroughfares which serve large segments of the county's population. The C-2 district permits a wide variety of retail and service-related uses. Site development regulations are designed to ensure compatibility with adjoining land uses.

The applicant has submitted a concept plan that proposes 38 parking spaces with an entrance from Phillips Circle (Route 898) to be improved to meet VDOT's standard commercial entrance requirements and pedestrian facilities. The definition of this use is as follows from Article II of the zoning ordinance:

Parking facility, surface/structure: Use of a site for surface parking or a parking structure unrelated to a specific use which provides one (1) or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this ordinance. This use type shall not include parking facilities accessory to a permitted principal use.

The proposed use is listed in the Article III Permitted Use Table (Section 30-87-5) as by-right with general design standards (R*) in the C-2 zoning district but not permitted in the R-1 zoning district. The general design standards for a "Parking Facilities" use are as follows from Article IV Section 30-87-5:

Surface parking facilities containing twenty-five (25) or more spaces shall include landscaped medians, peninsulas or planter islands. Such landscaped areas shall constitute no less than ten (10) percent of the total paved area. They shall be planned, designed and located to channel traffic flow, facilitate stormwater management, and define and separate parking areas and aisles. Each landscaped area shall be planted with a deciduous tree with a minimum diameter of one (1) inch at the time of planting in accordance with article V.

If the rezoning application were to be approved, the applicant will need to establish this proposed use on the property with the submittal of a site plan and issuance of a zoning use approval. The applicant submitted a concept plan and a traffic study (included as attachments 5 and 7) to VDOT where they have preliminarily determined that "an overflow parking area may be feasible immediately across Phillips Circle, and may improve the situation" where parking demand is higher than anticipated for the existing retail center, and avoid parking along Phillips Circle. VDOT outlines the general standard requirements that would need to be met at the time of a site plan submittal in a letter sent to the applicant and included as attachment 8.

In accordance with the general use and design standards in Article IV of the zoning ordinance, the applicant will be required to incorporate landscape areas that constitute no less than 10% of the paved area, in addition to meeting interior landscape and planting strip requirements outlined in Section 30-92-6 (a) and (b) in Article V of the Zoning Ordinance. Additionally, per Section 30-92-8, when a property adjoins a jurisdiction, in this case, the City of Lynchburg, the Zoning Administrator will decide what type of additional screening and buffering is required. The Zoning Administrator will work with the City of Lynchburg to make a determination that will be the best fit for this area and will need to be shown on the site plan.

Comprehensive Plan

The Bedford County 2030 Comprehensive Plan contains goals and objectives that relate to this rezoning request. They include:

Land Use:

An Orderly, efficient, and compatible growth and land use pattern that is sensitive to the natural environment.

- 9.1 Future Development directed to areas already or proposed to be served with adequate public facilities that is compatible with and sensitive to the natural environment

The Future Land Use map identifies this area and a large portion of the subject parcel as "Mixed Use", while parcels to the north and a small portion of the subject parcel designated as "Residential". The 2030 Comprehensive Plan Land Use designations are excerpted below:

Mixed Use

Areas with a mixture of residential, commercial, light industrial and civic uses located along major transportation corridors. Intention of these areas is to provide convenient services for neighborhoods and prevent strip development and multiple access points along major and secondary transportation corridors.

Residential

Residential areas located in close proximity to urban services and roads capable of handling higher traffic volumes. These are areas for single-family detached and attached units and apartments/condominiums. Small-scale neighborhood and/or lifestyle commercial (such as small convenience markets and marinas) is allowed where appropriate in this zone. Clustering of housing units is supported in this district.

Voluntary Proffers

The applicant has submitted voluntary proffers for review with this rezoning request (see attachment 10). Voluntary proffers must be reviewed and formally accepted as part of a motion for approval or denial of a rezoning application. The Planning Commission and Board of Supervisors are not obligated to accept the submitted voluntary proffer.

Project Impacts

- *Visual:* The proposed use of the property could result in some visual impacts to the area, mostly affecting the residential uses in surrounding lots. There is currently no vegetative screening in existence at adjacent parcels.
- *Transportation:* The traffic study prepared by the applicant anticipates no additional trips into the development as a result of the rezoning. The proposed parking lot is intended to accommodate the parking demand of the retail center.

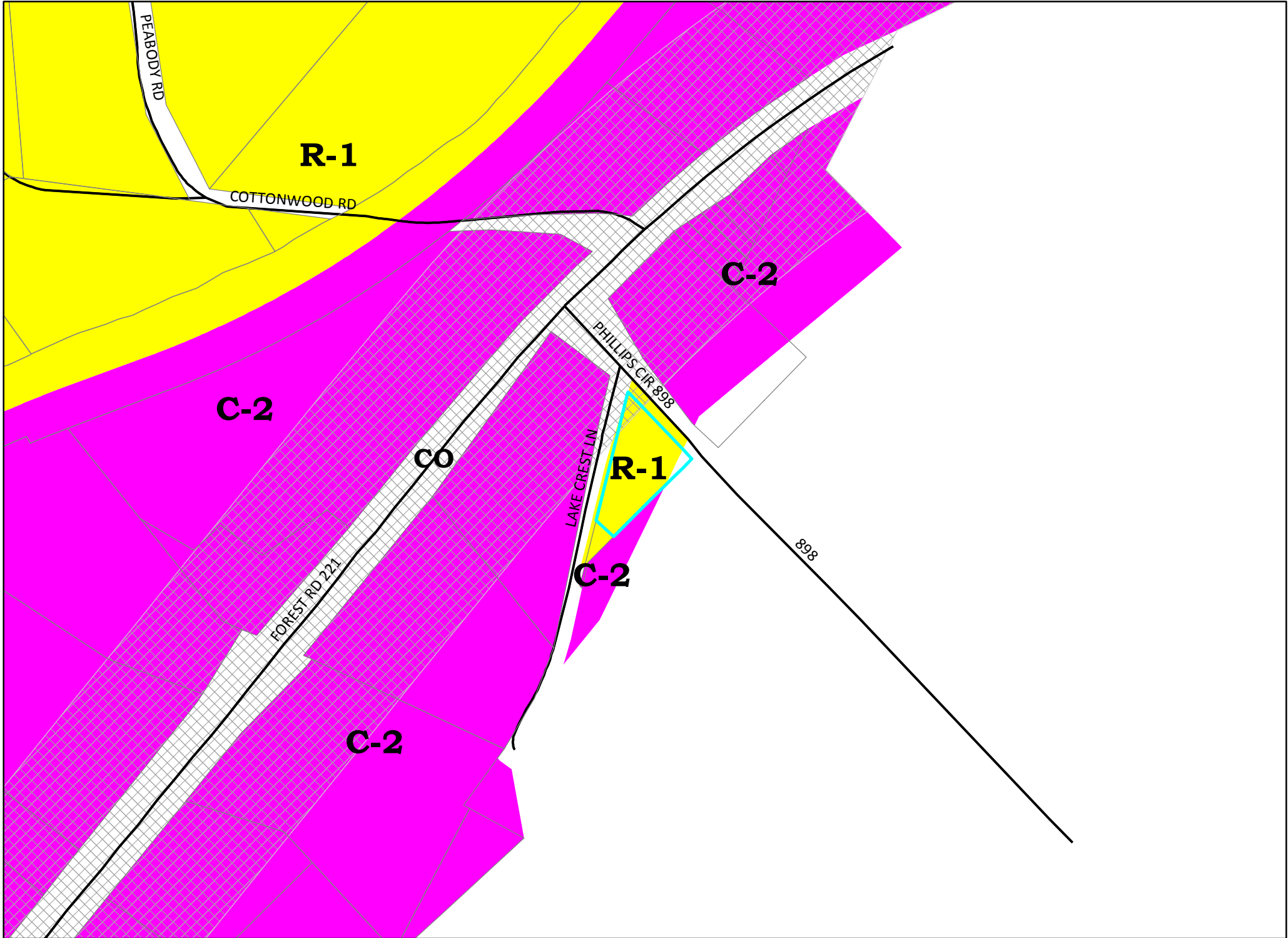
Attachments

1. Location Map
2. Zoning Map
3. Future Land Use Map
4. Aerial Photograph (VGIN 2018)
5. Concept Plan
6. Applicant's Rezoning Narrative
7. Phillips Circle Traffic Study and Response to VDOT Comments
8. VDOT's Letter with Comments on Traffic Study
9. Owner's Authority Letter
10. Proffers
11. Section 30-41 Article III, R-1 Low-Density Residential District
12. Section 30-54, Article III, C-2 General Commercial District

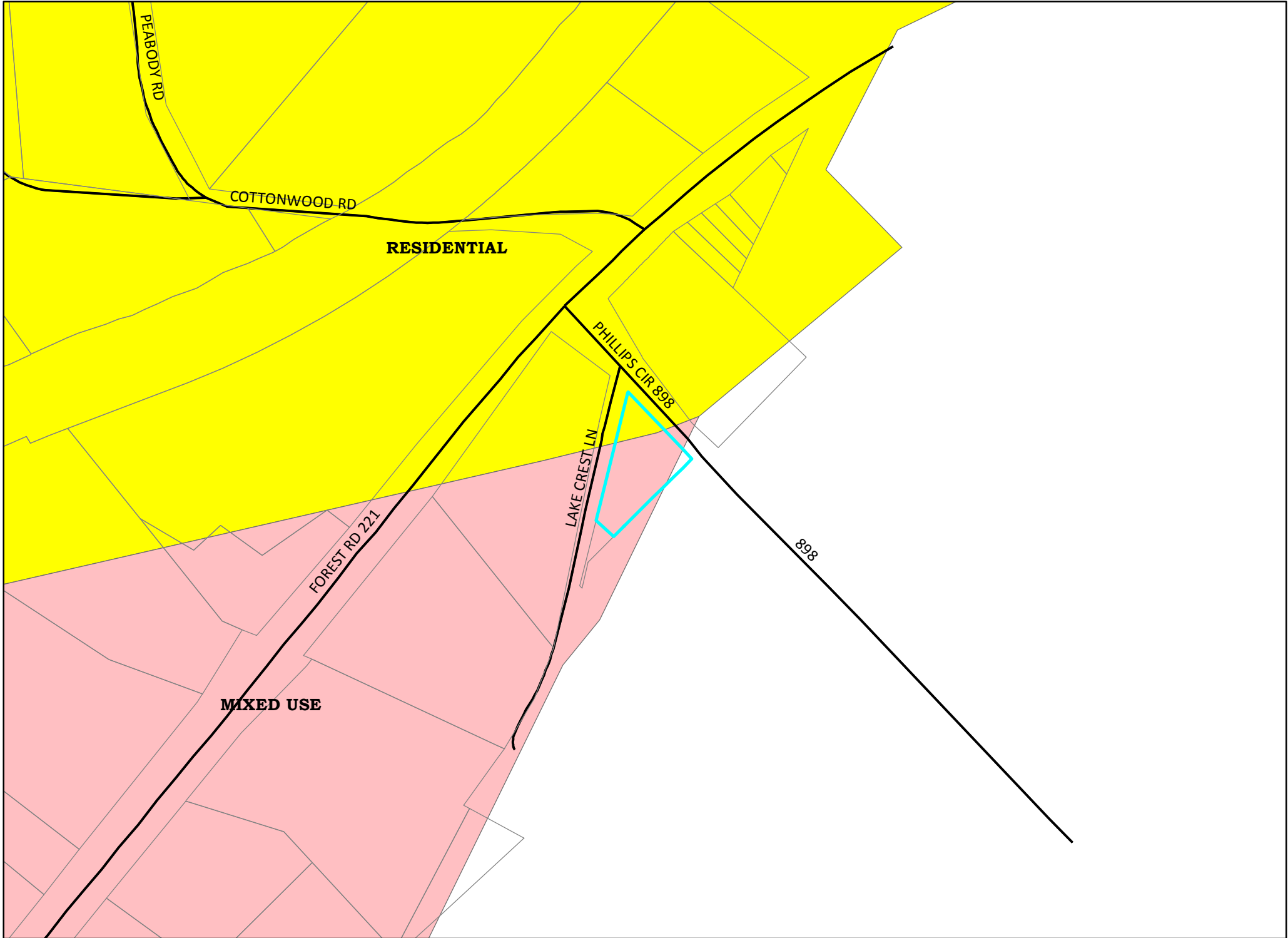
RZ20-0003 Location Map



RZ20-0003 Zoning Map (w/ Overlay)

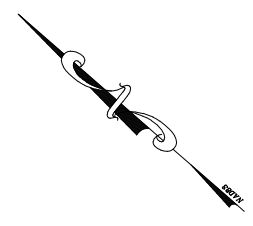


RZ20-0003 Future Land Use Map

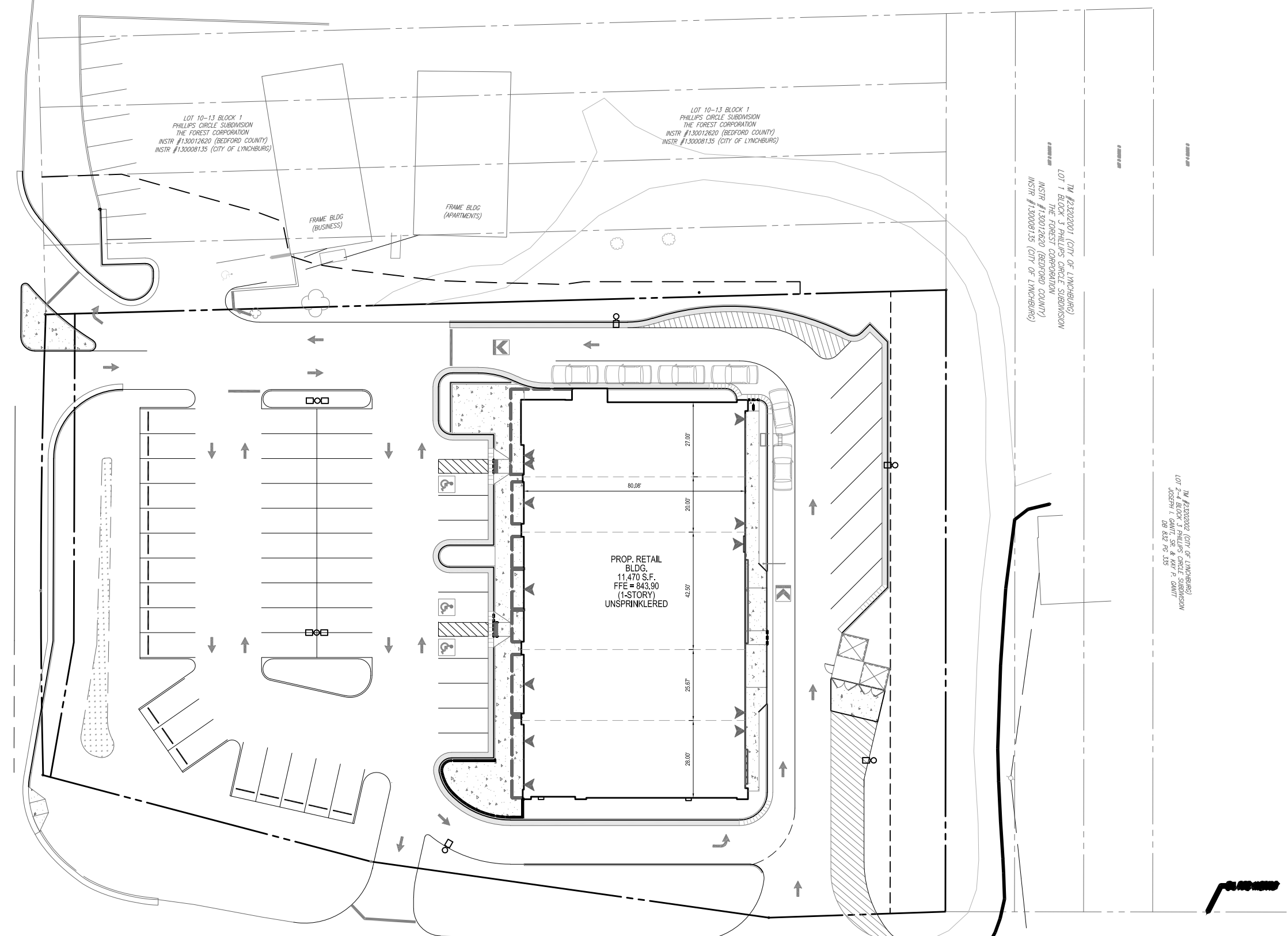


RZ20-0003 Aerial Photograph (VGIN 2018)

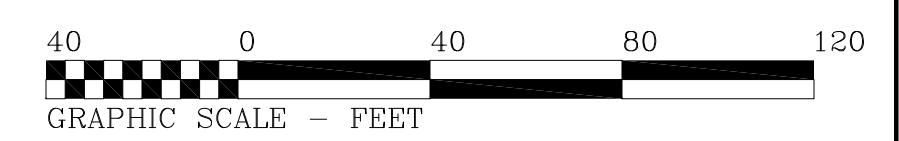
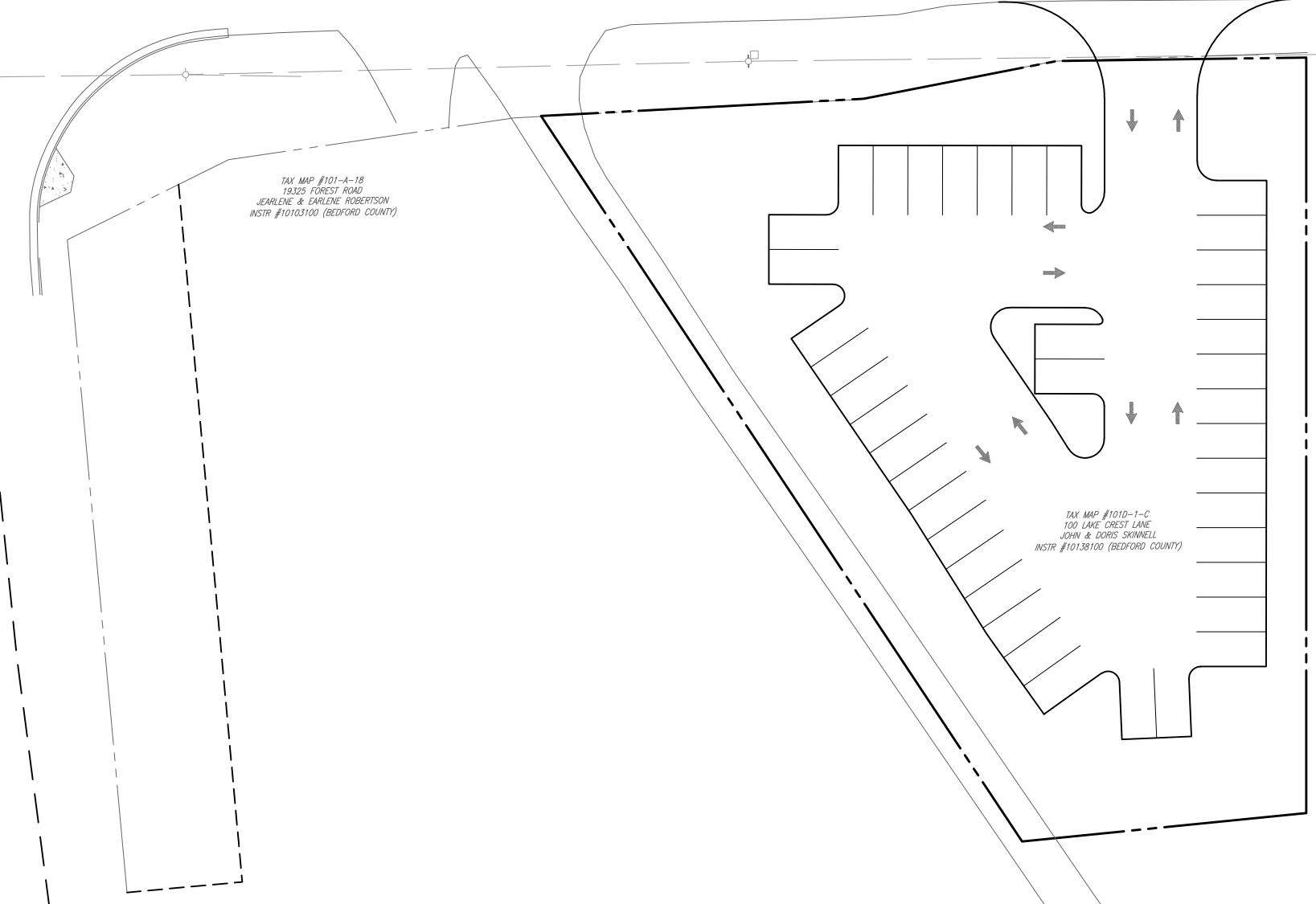




FOREST ROAD
ROUTE 21



PHILLIPS CIRCLE
RTE 855



Bedford Rezoning Narrative

May 21, 2020

Property Information: Tax Map 101D1C Parcel 10138100

Owner	Address	Acreage	Current Zoning	Proposed Zoning
Ferguson Lynn + Jo Skinnell	100 Lake Crest Lane	.44	R-1	C-2

Rezoning Request:

Proposal includes the rezoning of property located at 100 Lake Crest Drive from R-1 (Low Density Residential District) zoning to C-2 (General Commercial District) zoning. The purpose of the rezoning is to bring the property into consistent zoning with the surround properties along the Forest Road commercial corridor and allow for a proposed parking facility that supports the commercial uses across Phillips Circle from the property. As included in the Zoning Ordinance definition section, Parking facility, surface/structure: Use of a site for surface parking or a parking structure unrelated to a specific use which provides one (1) or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this ordinance. This use type shall not include parking facilities accessory to a permitted principal use. All other uses will be prohibited as shown in the attached proffer statement.



Map Source: Bedford County GIS

The proposed request furthers the purposes of the Zoning Ordinance as follows:

Sec. 30-3. - Purpose. The zoning regulations and districts set forth in this ordinance are for the general purpose of implementing the comprehensive plan of Bedford County. They are designed to achieve the general purposes of promoting the health, safety, and general welfare of the public, and of further accomplishing the objectives of Section 15.2-2200 of the Code of Virginia, as amended.

To these ends, this ordinance is designed to give reasonable consideration to each of the following purposes:

- (1) Provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers;
The proposed rezoning is consistent with this purpose.
- (2) Reduce or prevent congestion in the public streets;
As shown in the attached Traffic Study, the proposed rezoning and use as a parking lot does not have any negative impact on the surrounding area and is preventing congestion on surrounding neighborhood streets by providing adequate off-street parking options for commercial uses.
- (3) Facilitate the creation of a convenient, attractive, and harmonious community;
The proposed rezoning is consistent with this goal while provided the appropriate amount of parking to the adjacent commercial property.
- (4) Facilitate the provision of adequate police, fire protection, disaster evacuation, civil defense, transportation, water, sewer, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
Not applicable.
- (5) Protect against destruction of or encroachment upon historic buildings or areas;
Not applicable.
- (6) Protect against one (1) or more of the following: overcrowding of land; undue density of population in relation to the community facilities existing or available; obstruction of light or air; hazards and danger and congestion in travel and transportation; or loss of life, health, or property from fire, flood, panic, or other hazards;
No overcrowding of land or undue density of population will result from the approval of this proposed parking area.
- (7) Encourage economic development activities that provide desirable employment and enlarge the tax base;
Retail shops enlarge the tax base of Bedford. The proposed parking lot directly supports retail businesses and this goal of the Zoning Ordinance.
- (8) Provide for the preservation of agricultural and forested lands and other lands of significance for the protection of the natural environment;
By grouping commercial uses in appropriate areas and along busy commercial corridors such as Forest Road, the County can protect natural resources and agricultural areas.
- (9) Protect approach slopes and other safety areas of licensed airports;
Not applicable to this rezoning.
- (10) Promote the creation and preservation of affordable housing for the meeting of current and future needs of the locality as well as a reasonable proportion of the current and future needs of the of the planning district within which the locality is situated; and
Not applicable to this rezoning.

(11)Protect surface and groundwater resources

The proposed parking lot will meet all state stormwater standards that protect the quality and quantity of water leaving this site.

The proposed C-2 zoning is appropriate because all of the surrounding properties along the Forest Road Corridor are zoned C-2.

The purpose of the C-2 district is to provide locations for a variety of commercial and service related activities within the urban service area serving a community of several neighborhoods or large areas of the county. This district is intended for general application throughout the county. General commercial districts are most appropriately found along major arterial thoroughfares which serve large segments of the county's population. The C-2 district permits a wide variety of retail and service related uses. Site development regulations are designed to ensure compatibility with adjoining land uses.

Comprehensive Plan and Land Use:

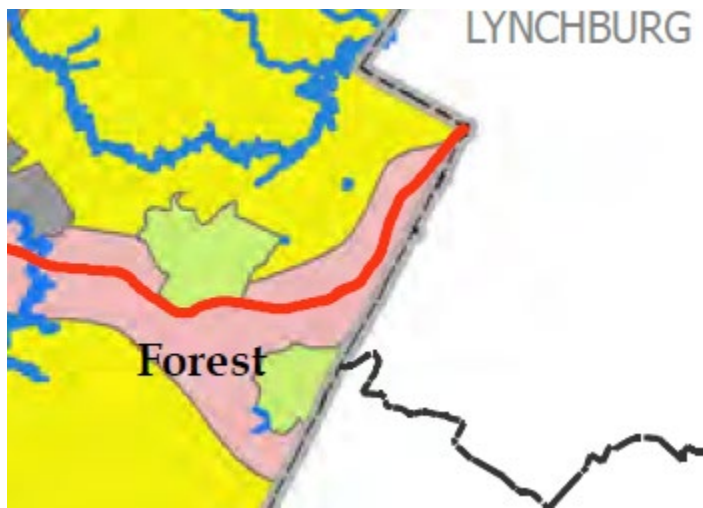


Image Source: Bedford County Comprehensive Plan

The proposed rezoning conforms to the general guidelines and policies contained in the Bedford County Comprehensive Plan. Specifically, the proposal conforms the goals set forth below.

Economic Development A healthy, diversified economy that is environmentally sensitive and results in business opportunities and quality jobs.

The proposed rezoning supports the Bedford County economy by providing adequate parking for newly created retail.

Land Use An orderly, efficient, and compatible growth and land use pattern that is sensitive to the natural environment

As shown in the Land Use Map above, Forest Road is an important commercial corridor, and thus, commercial uses and supporting parking should be grouped along this corridor.

Commercial Areas (Land Use) designated for intensive commercial development with access to major roads and public utilities. Includes, but is not limited to, wholesale, retail, and service commercial uses.

This land use designation is most appropriate for the property as well as the surrounding properties along Forest Road.

The included Traffic Study shows that there are no proposed impacts from the requested rezoning to C-2. In fact, the addition of a parking lot at this location will reduce any impacts of the commercial uses and overflow parking that was previously an issue along Phillips Circle for the residentially zoned properties.

November 20, 2019

Mr. J.P. Morris, P.E.
Virginia Department of Transportation
P.O. Box 446
Bedford, Virginia 24523
Phone: (540) 586-7941

Reference: Phillips Circle Parking Lot – Traffic Analysis
Bedford County, Virginia

Dear Mr. Morris,

Riverbend Development recently opened a commercial center in the east quadrant of the U.S. 221 (Forest Road) at Phillips Circle intersection. The building has a Starbucks restaurant with drive-thru at the north end, East Coast Wings at the south end, and approximately 7,000 s.f. of vacant space in between. Ramey Kemp & Associates, Inc. (RKA) performed the Traffic Impact Analysis (TIA) for the center in November 2016.

We understand that the parking lot is often full at peak times, and some customers are parking along Phillips Circle. Therefore, Riverbend Development is proposing to build a surface parking lot in the south quadrant of the intersection to accommodate the parking demand of the center.

The purpose of this letter report is to:

- Perform AM and PM peak hour turning movement counts at all three site driveways, and compare them to the trip generation potential of the center based on the November 2016 TIA
- Evaluate the proposed parking lot driveways relative to VDOT's Access Management regulations
- Make recommendations for pedestrian access between the proposed parking lot and the center

Existing Traffic Volumes

The AM peak hour (7:00 to 9:00 AM) and PM peak hour (4:00 to 6:00 PM) turning movement counts were conducted by Burns Service, Inc. at the following intersections on November 7:

- U.S. 221 (Forest Road) at Right-in / Left-in / Right-out Site Driveway
- Phillips Circle at Lake Crest Lane / Site Driveway
- Phillips Circle at Site Driveway

The traffic data are enclosed, and the existing 2019 volumes are shown in Figure 1.

Trip Generation Comparison

The trip generation potential of the center in the November 2016 TIA, was based on the 9th Edition of the *ITE Trip Generation Manual*. Table 1 shows the trip potential of the center based on the 10th Edition of the *ITE Trip Generation Manual*, and the actual driveway counts.

**Table 1
ITE Trip Generation – Weekday – 10th Edition**

Land Use (ITE Land Use Code)	Size	Weekday Daily Traffic (vpd)		AM Peak Hour (vph)		PM Peak Hour (vph)	
		Enter	Exit	Enter	Exit	Enter	Exit
General Retail Space (820)	7,300 s.f.	138	138	4	3	13	15
High-Turnover Sit-Down Restaurant (932)	2,500 s.f.	140	140	14	11	15	9
Coffee Shop with Drive- Through Window (937)	2,200 s.f.	903	903	100	96	47	48
Total based on ITE Trip Rates		1,181	1,181	118	110	75	72
Actual Driveway Volumes		--	--	234	213	114	105

The center is currently attracting significantly more customers than the ITE trip rates predicted.

Intersection Spacing Standards

Phillips Circle is classified by VDOT as a local roadway, so the proposed parking lot driveway must have at least 50 feet of tangent spacing between the curb radii and the curb radii of the nearest intersection or driveway. The proposed driveway on Phillips Circle has 95 feet of tangent spacing from Lake Crest Lane, and also aligns with the shopping center driveway, VDOT’s minimum spacing standards are exceeded.

Pedestrian Access

The applicant will provide pedestrian facilities between the proposed parking lot and the existing shopping center, including one marked crosswalk across Phillips Circle. The crosswalk should be located either across the southeast leg of Phillips Circle at Lake Crest Lane, or across the northwest leg of Phillips Circle at the proposed parking lot driveway. High-visibility crosswalk markings are recommended.

Phillips Circle is a straight roadway segment posted 25 mph, and pedestrians will have adequate visibility of vehicles approaching in either direction, and drivers will have adequate stopping sight distance. We recommend confirming the sight distance for drivers and pedestrians in the field before finalizing the crosswalk location.

We appreciate your attention to this matter. Please contact me at (804) 217-8560 if you have any questions about this report.

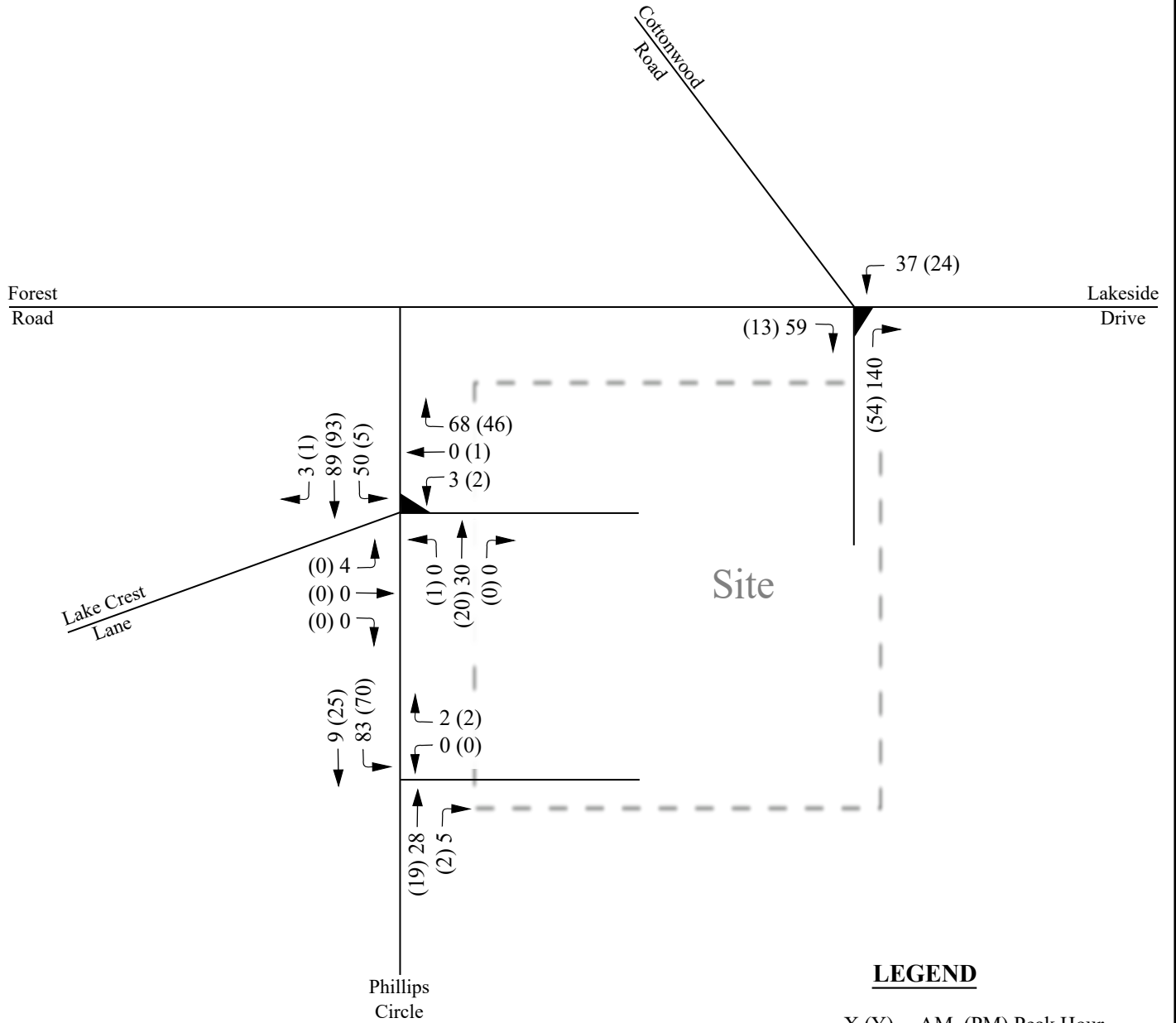
Sincerely yours,
Ramey Kemp & Associates, Inc.



Carl Hultgren, P.E., PTOE
Regional Manager

Enclosures: Figure, Traffic count data

Copy to: Ms. Ashley Davies, Riverbend Development
Mr. Alan Taylor, Riverbend Development
Mr. Scott Collins, P.E., Collins Engineering



LEGEND

X (Y) AM (PM) Peak Hour

▼ Left-Over Driveway



Phillips Circle
Parking Lot
Bedford County, Virginia

Existing (2019) Peak Hour
Driveway Volumes

Scale: Not to Scale

Figure 1

April 30, 2020

Mr. J.P. Morris, P.E.
Virginia Department of Transportation
P.O. Box 446
Bedford, Virginia 24523
Phone: (540) 586-7941

Reference: **Phillips Circle Parking Lot** – Traffic Analysis – Response to Review Comments
Bedford County, Virginia

Dear Mr. Morris,

Ramey Kemp Associates (RKA) submitted the traffic analysis for this proposed parking lot on November 20, 2019. VDOT provided six review comments in a memo dated January 24, and following are responses to each comment:

Report Clarification

1) Was any information on the operation of the intersection of Phillips Circle and Forest Road collected? In particular, the queue depth and whether it extended to Lake Crest Lane was a concern. Please include this information if available.

Based on our phone conversation on October 25, we agreed the traffic analysis for the proposed parking lot would focus only on the site driveways, and exclude the Forest Road at Phillips Circle intersection.

2) Please verify that the Lakeside Drive labeled on Figure 1 and the tables is Forest Road. If this interpretation is correct a revision is not needed, as it is described correctly within the report.

Correct – U.S. 221 is Forest Road across the property frontage, and changes to Lakeside Drive inside the City limits.

VDOT Traffic Engineering Comments

1) There does not appear to be a significant accident history at the site, as shown in the online database records.

Correct – between January 2013 and January 2020 (a period of 85 months), there have only been six collisions in the vicinity of the site. The retail center opened in April 2019, and only one collision occurred in the first eight months after the center opened.



- 2) The submitted report documents that the actual traffic is radically different than the Engineers prior projections. The TIA shall be updated to reflect:
 - a. Actual current information for the two occupied units
 - b. Engineer's projection of any increased vehicle traffic resulting from the proposed off-site parking and / or pedestrian traffic
 - c. Engineer's revised projection for the occupied use of the remaining unit

The traffic entering and exiting the site is higher than the ITE projections in the November 2016 TIA, which happens sometimes. However, the current submittal and traffic analysis is just for the proposed surface parking lot on the south side of Phillips Circle to address VDOT's concern about overflow parking for the existing retail center.

The proposed parking lot will not increase the amount of traffic in and out of the retail center – it will simply provide enough spaces for customers to park so they do not park along Phillips Circle.

The vacant retail space between Starbucks and East Coast Wings is expected to be general retail space, which was the assumption in the November 2016 TIA. The additional trips generated by the general retail space will be small compared to the trip potential of the Starbucks and East Coast Wings.

- 3) The proposed pedestrian crossing(s) are to be detailed to allow proper evaluation.
 - a. Engineer is to evaluate sight distance. It does appear adequate, please state a determination in the report.
 - b. High visibility pavement markings will be required
 - c. Please show proposed pedestrian signage
 - d. There are several traffic movements that may need to be crossed to reach the building. Please denote the pedestrian pathway to the doorway and whether it is ADA compliant within the right-of-way.

Noted – please refer to the site plan [for](#) the pedestrian crossing details.

- 4) Please detail any landscaping that may be required to comply with County Zoning. If this is determined to be at-odds with the operation and management of traffic a variance would be required. This determination and variance will be coordinated pre-approval.

Noted – please refer to the landscape plan [for](#) these details.

Entrance Operation

- 1) Please propose changes / remediation for the existing site entrances. Please address:
 - a. The entrance opposite Lake Crest Lane is denoted as an “exit only”, but is operating with 50 left-in and 68 right-out movements in the AM peak hour
 - b. The southerly entrance is denoted as an “entrance only” and has exiting movements in the AM and PM

The driveway across from Lake Crest Lane has signage and pavement markings designating it as “exit only”. The driveway is 16 feet wide, which is the Bedford County minimum width for fire safety. It would be very difficult to physically prevent drivers from entering the site without also restricting the outbound movement.

The southern entrance on Phillips Circle is designed to be “entrance only”, but two vehicles exited the site from this driveway in the AM and PM peak hours. This is not a significant problem, and it would be very difficult to physically prevent drivers from exiting the site without also restricting the inbound movement.

We appreciate your attention to this matter. Please contact me at (804) 217-8560 if you have any questions about this report.

Sincerely yours,
Ramey Kemp Associates



Carl Hultgren, P.E., PTOE
State Traffic Engineering Lead

Copy to: Ms. Ashley Davies, Riverbend Development
Mr. Scott Collins, P.E., Collins Engineering

May 13, 2020

Mr. J.P. Morris, P.E.
Virginia Department of Transportation
P.O. Box 446
Bedford, Virginia 24523
Phone: (540) 586-7941

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Bedford County, Virginia

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Correct – U.S. 221 is Forest Road across the property frontage, and changes to Lakeside Drive to the east inside the City limits.

VDOT Traffic Engineering Comments

1) There does not appear to be a significant accident history at the site, as shown in the online database records.

Correct – between January 2013 and January 2020 (a period of 85 months), there have only been six collisions in the vicinity of the site (less than one per year). The restaurants opened in May 2019, and only one collision occurred during the first nine months after the center opened (May 2019 through January 2020).



- 2) The submitted report documents that the actual traffic is radically different than the Engineers prior projections. The TIA shall be updated to reflect:
 - a. Actual current information for the two occupied units
 - b. Engineer's projection of any increased vehicle traffic resulting from the proposed off-site parking and / or pedestrian traffic
 - c. Engineer's revised projection for the occupied use of the remaining unit

The traffic entering and exiting the site is higher than the ITE projections in the November 2016 TIA, which often happens when new restaurants open. However, the current submittal and traffic analysis is just for the proposed surface parking lot on the south side of Phillips Circle to address VDOT's concern about overflow parking for the existing retail center.

The proposed parking lot will not increase the amount of traffic in and out of the retail center – it will simply provide enough spaces for customers to park so they do not park along Phillips Circle.

The vacant retail space between Starbucks and East Coast Wings is expected to be general retail space, which was the assumption in the November 2016 TIA. The additional trips generated by the general retail space will be small compared to the trip potential of the Starbucks and East Coast Wings.

- 3) The proposed pedestrian crossing(s) are to be detailed to allow proper evaluation.
 - a. Engineer is to evaluate sight distance. It does appear adequate, please state a determination in the report.
 - b. High visibility pavement markings will be required
 - c. Please show proposed pedestrian signage
 - d. There are several traffic movements that may need to be crossed to reach the building. Please denote the pedestrian pathway to the doorway and whether it is ADA compliant within the right-of-way.

Noted – will be included with site plan submittal.

- 4) Please detail any landscaping that may be required to comply with County Zoning. If this is determined to be at-odds with the operation and management of traffic a variance would be required. This determination and variance will be coordinated pre-approval.

Noted – will be included with site plan submittal.



Entrance Operation

- 1) Please propose changes / remediation for the existing site entrances. Please address:
 - a. The entrance opposite Lake Crest Lane is denoted as an “exit only”, but is operating with 50 left-in and 68 right-out movements in the AM peak hour
 - b. The southerly entrance is denoted as an “entrance only” and has exiting movements in the AM and PM

The driveway across from Lake Crest Lane has signage and pavement markings designating it as “exit only”. The driveway is 16 feet wide, which was required by Bedford County. There is a large pavement arrow pointing out of the site, and two “Do Not Enter” signs facing Phillips Circle. It would be very difficult to physically prevent drivers from entering the site without also restricting the outbound movement.



Looking south out of the existing center toward Phillips Circle showing outbound pavement arrow and “Do Not Enter” signs

The southern entrance on Phillips Circle is designed to be “entrance only”, but two vehicles exited the site from this driveway in the AM and PM peak hours. Two vehicles exiting this driveway during an hour is not a significant problem, and it would be very difficult to physically prevent drivers from exiting the site without also restricting the inbound movement.

The proposed parking lot will not add any traffic to the existing center, and will improve traffic operations around the site and on Phillips Circle because customers and employees will have plenty of parking spaces available.

RAMEY KEMP ASSOCIATES

Moving forward.



T 804 217 8560

4343 Cox Road
Glen Allen, VA 23060

We appreciate your attention to this matter. Please contact me at (804) 217-8560 if you have any questions about this report.

Sincerely yours,
Ramey Kemp Associates

Carl Hultgren, P.E., PTOE
State Traffic Engineering Lead

Copy to: Ms. Ashley Davies, Riverbend Development
Mr. Scott Collins, P.E., Collins Engineering



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

731 Harrison Ave.
Salem, VA 24153-0560

STEPHEN C. BRICH, P.E.
COMMISSIONER

July 14, 2020

Carl Hultgren, PE
Ramey Kemp & Associates
4343 Cox Road
Glen Allen, VA 23060

**Subject: Phillips Circle Parking Lot, Bedford County, VA
Route 898 – Phillips Circle - TM# 101D-1-C
Bedford County**

Dear Mr. Hultgren,

The Bedford Residency has completed the review for the project noted above and offers the following comments:

Reviewed Items:

- Letter format report titled "Phillips Circle Parking Lot – Traffic Analysis" as prepared by Ramey Kemp & Associates (RKA), dated and sealed 11/20/2019, received by email 1/9/2020.
- PDF of Conceptual Layout at Phillips Circle - Bedford Commercial Center, file dated 12-12-19.
- Letter titled "Phillips Circle Parking Lot – Traffic Analysis – Response to Comments" as prepared by Ramey Kemp & Associates (RKA), dated and signed 5/13/2020, on VDOT comment's dated 1/24/2020, as received by email 5/14/2020.

We appreciate the clarification of the project scope. VDOT Traffic and the Bedford Residency have incorporated this and agree that many of the prior comments are no longer relevant.

Please ignore any prior comments that were directed at anything beyond the new overflow parking area and pedestrian access.

Concept Comments

1. Phillips Circle is a local street, access management does not need to be addressed. The background traffic is 260 AADT per the published 2019 traffic data.
2. Entrance Standard
Please state the entrance standard you are proposing.
 - a. A Low Volume Commercial Entrance matches the layout provided but is limited to a use with less than 50 trips per day (there are 40 parking spaces). This layout must match Appendix F, Figure 4-1.
 - b. A Moderate Volume Commercial Entrance is limited to 200 vehicles per day and a minimum entrance throat length of 25 feet. This layout must match Appendix F, Figure 4-15.
 - c. A Commercial Entrance layout must match Appendix F, Figure 4-9 and throat distance would need to match Appendix F, Table 4-2.
 - d. These details would change if you propose curbing on Phillips Circle.
3. Pedestrian Pathway within Right-Of-Way
 - a. All work must be ADA accessible. This would include any refuge points between roadway/driveways.
4. Pedestrian Crossing
 - a. High visibility pavement markings will be required.
 - b. Approaches to the crossing will require signage for pedestrian crossing ahead
 - c. At the crosswalk it will be signed and include the downward arrow.
 - d. All proposed signage must conform to the current Virginia Supplement to the MUTCD.
 - e. All work must be ADA accessible. Please denote the pedestrian pathway to the building.
 - f. Midblock crosswalks will not be entertained. An AASHTO compliant intersection crosswalk is required.
 - g. VDOT & ADA compliant sidewalks may be required to connect the crosswalk to the associated parking areas.
5. Entrance intersection sight distance and stopping sight distance are adequate and does not need to be addressed. Please detail any landscaping and ensure it will not obstruct the function of the entrance.
6. Entrance Turning Movements.
 - a. The overflow parking does not have a design traffic volume, this leaves the turning movement evaluation in an odd state. In this specific situation, we acknowledge this is a judgment call on the Engineers part and ask you to address it to the extent practical.
 - b. How traffic to the overflow parking has access past the two left turn movements into the main facility should be addressed in the final design.

Phillips Circle Parking Lot, Bedford County, VA
July 14, 2020
Page Three

7. Pavement Thickness Design
 - a. The entrance pavement structure must match the adjoining roadway within the right-of-way.
8. Roadway Typical Section
 - a. Please detail the pedestrian access, signage, and pavement markings.
 - b. Detail all sidewalks and how these interact with curbing, ditches, signs, etc.
9. Drainage
 - a. Show spot grades to reflect drainage away from the existing pavement.
 - b. Detail where the runoff currently travels and how it will be kept off the roadway post-construction.
10. Management of Traffic.
 - c. This will be reviewed in detail at the time the permit is requested.

The reviewed Conceptual Layout is attached to facilitate coordination.

If we can be of any further assistance on this matter, please feel free to contact Clyde Spencer or me at (540) 586-7941.

Sincerely,

Assistant Resident Engineer - Land Use
Bedford Residency

Cy:

Correspondence File
Bedford County – Dept. of Community Development

OWNERS AUTHORITY LETTER

STATE OF VIRGINIA
COUNTY OF BEDFORD

This 26 day of Aug, 2020,

I, John Skinnell Jr., the owner of property located at 100 Lake Crest Drive, otherwise identified as Tax Map 101D1C and Parcel 10138100, make, constitute, and appoint Ashley Davies of Riverbend Development my true and lawful agent and in my name, place, and stead giving unto Ashley Davies full power and authority to do and perform all acts and make all representation necessary, without any limitations whatsoever, to make application for the rezoning of said property. The right, powers, and authority of said agent herein granted shall commence and be in full force and effect as of August 25, 2020, and shall remain in effect thereafter until actual notice, by certified mail, return receipt requested, is received by the Bedford County Department of Community Development stating that the terms of this power have been revoked or modified.



Owner John Skinnell Jr.

COMMONWEALTH OF VIRGINIA:

County of Campbell

Subscribed and sworn to before me this 26 day of Aug, 2020 in my County and State aforesaid, by the aforementioned Principal.

Notary

Public

[Signature]

My Commission Expires: 2-29-24

Office Use Only

File/Case Number RZ20-0003

Date Accepted September 2, 2020

OWNERS AUTHORITY LETTER

STATE OF VIRGINIA
COUNTY OF BEDFORD

This 26 day of Aug, 2020,

I, Lynn S. Ferguson, the owner of property located at 100 Lake Crest Drive, otherwise identified as Tax Map 101D1C and Parcel 10138100, make, constitute, and appoint Ashley Davies of Riverbend Development my true and lawful agent and in my name, place, and stead giving unto Ashley Davies full power and authority to do and perform all acts and make all representation necessary, without any limitations whatsoever, to make application for the rezoning of said property. The right, powers, and authority of said agent herein granted shall commence and be in full force and effect as of August 25, 2020, and shall remain in effect thereafter until actual notice, by certified mail, return receipt requested, is received by the Bedford County Department of Community Development stating that the terms of this power have been revoked or modified.



Owner Lynn S. Ferguson

COMMONWEALTH OF VIRGINIA:

County of Campbell

Subscribed and sworn to before me this 26 day of August, 2020 in my County and State aforesaid, by the aforementioned Principal.

Notary

Public

My Commission Expires: 2-29-24

M. C. Ruhland

Office Use Only

File/Case Number R220-0003

Date Accepted September 2, 2020

OWNERS AUTHORITY LETTER

STATE OF VIRGINIA
COUNTY OF BEDFORD

This 26th day of August, 2020,

I, Kathy Skinnell Brown, the owner of property located at 100 Lake Crest Drive, otherwise identified as Tax Map 101D1C and Parcel 10138100, make, constitute, and appoint Ashley Davies of Riverbend Development my true and lawful agent and in my name, place, and stead giving unto Ashley Davies full power and authority to do and perform all acts and make all representation necessary, without any limitations whatsoever, to make application for the rezoning of said property. The right, powers, and authority of said agent herein granted shall commence and be in full force and effect as of August 25, 2020, and shall remain in effect thereafter until actual notice, by certified mail, return receipt requested, is received by the Bedford County Department of Community Development stating that the terms of this power have been revoked or modified.



Owner Kathy Skinnell Brown

COMMONWEALTH OF VIRGINIA:

County of Campbell

Subscribed and sworn to before me this 26th day of August, 2020 in my County and State aforesaid, by the aforementioned Principal.

Notary

Public

Ma C R

My Commission Expires: 2-29-24

Office Use Only

File/Case Number RZ20-0003

Date Accepted September 2 2020

PROFFER FORM FOR BEDFORD PARKING REZONING

Date: May 29, 2020

ZMA # _____

Tax Map and Parcel Numbers: 101D1C, 10138100 (the "Property")

Owner of Record: **Kathy Brown, Lynn Ferguson and John Skinnell** (the "Owners")

Rezone Tax Map and Parcel 101D1C, 10138100, totaling approximately .44 acres from R-1 (Low Density Residential District) to C-2 (General Commercial District).

Total Land Area: Approximately .44 acres

Pursuant to Section 30-15 of the Bedford County, Virginia, (the "County") Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned. These conditions are proffered as a part of the requested rezoning and it is acknowledged that such conditions are reasonable.

1. **Uses:** The Property shall be developed as a parking facility. All other commercial uses are prohibited.

(Signature Pages to Follow)

WITNESS the following signature:

OWNERS of Tax Map and Parcel 101D1C, 10138100:

**Kathy Brown
Lynn Ferguson
John Skinnell**

By: Kathy Brown
Kathy Brown

Date: 6-1-20

By: Lynn Ferguson
Lynn Ferguson

Date: 6/1/2020

By: John Skinnell
John Skinnell

Date: 6-1-20

Sec. 30-41. - R-1 Low density residential district.

Sec. 30-41-1. Purpose.

The R-1, Low density residential district is established for areas of the county within the urban service area with existing low-middle density residential development, with an average density of from one (1) to three (3) units per acre, and land which appears appropriate for such development. The R-1 district is intended to provide the highest degree of protection from potentially incompatible uses and residential development of a significantly different density, size, or scale, in order to maintain the health, safety, appearance, and overall quality of life of existing and future neighborhoods.

In addition to single-family residences, only uses of a community nature which are generally deemed compatible and permitted in the R-1 district. This would include parks and playgrounds, schools, and other similar neighborhood activities.

Sec. 30-41-2. Permitted uses.

Permitted uses shall be as listed in section 30-79.

Sec. 30-41-3. Site development regulations.

General standards. For additional, modified, or more stringent standards for specific uses, see article IV, Use and Design Standards.

(a) Minimum lot requirements:

(1) All lots served by private well and sewage disposal systems:

- a. Area: One (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
- b. Frontage: One hundred (100) feet on a publicly owned and maintained street.
- c. Lot Width: One hundred (100) feet.

(2) Lots served by either public sewer or water:

- a. Area: Twenty thousand (20,000) square feet.
- b. Frontage: Seventy-five (75) feet on a publicly owned and maintained street.
- c. Lot width: Seventy-five (75) feet.

(3) All lots served by both public sewer and water:

- a. Area: Ten thousand (10,000) square feet.
- b. Frontage: Sixty (60) feet on a publicly owned and maintained street.
- c. Lot Width: Sixty (60) feet.

(b) Minimum setback requirements:

(1) Front yard:

- a. Principal structures: Thirty (30) feet.
- b. Accessory structures: Thirty (30) feet or behind the front building line, whichever distance is less.

(2) Side yard:

- a. Principal structures: Ten (10) feet.
- b. Accessory structures: Ten (10) feet when between front and rear building lines and three (3) feet when behind the rear building line and ten (10) feet when in front of the front building line.

(3) Rear yard:

- a. Principal structures: Twenty-five (25) feet.
- b. Accessory structures: Three (3) feet.

(4) Where a lot fronts on more than one (1) street, front yard setbacks shall apply to all streets.

(5) The expansion of a legally established nonconforming structure into the required side or rear yard shall be permitted provided the expansion does not encroach into the required yard any greater than the existing encroachment.

(c) Maximum height of structures:

(1) Height limitations:

- a. Principal structures: Thirty-five (35) feet.
- b. Accessory structures: Thirty-five (35) feet.

(Ord. of 2-26-2001, App. A; Ord. of 6-10-2013, pt. II; Ord No. O-071116-09, 7-11-2016, pt. I)

Sec. 30-54. - C-2 General commercial district.

Sec. 30-54-1. Purpose.

The purpose of the C-2 district is to provide locations for a variety of commercial and service related activities within the urban service area serving a community of several neighborhoods or large areas of the county. This district is intended for general application throughout the county. General commercial districts are most appropriately found along major arterial thoroughfares which serve large segments of the county's population. The C-2 district permits a wide variety of retail and service related uses. Site development regulations are designed to ensure compatibility with adjoining land uses.

Sec. 30-54-2. Permitted uses.

Permitted uses shall be as listed in section 30-79.

Sec. 30-54-3. Site development regulations.

General Standards. For additional, modified, or more stringent standards for specific uses, see article IV, Use and Design Standards.

(a) Minimum lot requirements:

- (1) Lots served by private well and sewage disposal system;
 - a. Area: One (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
 - b. Frontage: One hundred (100) feet on a publicly owned and maintained street.
- (2) Lots served by either public sewer or water, or both:
 - a. Area: Fifteen thousand (15,000) square feet.
 - b. Frontage: Seventy-five (75) feet on a publicly owned and maintained street.

(b) Minimum setback requirements:

- (1) Front yard:
 - a. Principal structures: Thirty (30) feet, or twenty (20) feet when all parking is located behind the front building line.
 - b. Accessory structures: Behind front building line.
- (2) Side yard: None.
- (3) Rear yard:
 - a. Principal structures: Fifteen (15) feet.

b. Accessory structures: Three (3) feet.

(4) Where a lot fronts on more than one (1) street, front yard setbacks shall apply to all streets.

(c) Maximum height of structures:

(1) Height limitations:

a. Principal structures: Forty-five (45) feet. Principal structures may exceed the principal structure height limitation provided a special use permit is approved in accordance with section 30-19

b. Accessory structures: actual height of principal structure.

(d) Maximum coverage:

(1) Building coverage: Fifty (50) percent of the total lot area.

(2) Lot coverage: Ninety (90) percent of the total lot area.

(Ord. of 2-26-2001, App. A; Ord. of 9-13-2004)

**SPECIAL REVIEW
PROJECT
SRP20-0002**

**BRWA Proposed Water
Line Extension
Joppa Mill Road Between
Moneta Road and Bunker
Hill Loop**

**Presenter: Mark Jordan
540-586-7616 ext 1394
540-586-2059 (fax)
mjordan@bedfordcountyva.gov**

MEMORANDUM

TO: Planning Commission

FROM: Mark E. Jordan

DATE: August 31, 2020

SUBJECT: ***Special Project Review #SRP20-0002 – Bedford Regional Water Authority – Proposed Water Line Extension – Joppa Mill Road, between Moneta Road and Bunker Hill Loop***

SYNOPSIS

The Code of Virginia § 15.2-2232 and Section 30-23 of the Bedford County zoning ordinance require localities to confirm that proposed public projects not shown in the adopted Comprehensive Plan be reviewed by the Planning Commission to determine if the facility is in conformance with the Plan. The Bedford Regional Water Authority (BRWA), in conjunction with the Virginia Department of Environmental Quality (DEQ), has requested a determination for whether the construction of approximately 525 linear feet of water line and appurtenances that will serve two (2) customers is “substantially in accord with the adopted Comprehensive Plan” of Bedford County. This project was initiated by the property owner at 1906 Bunker Hill Loop due to a failed well system. A written agreement for construction and design has been executed between the BRWA and the DEQ.

PROPOSED PROJECT

The BRWA is seeking a determination of substantial conformance with the Comprehensive Plan (the Plan) for the extension of 525 linear feet of water line to serve two (2) customers in Voting District 3. The water line extension will serve 1906 Bunker Hill Loop (Tax Map 164-A-46A) and 1867 Bunker Hill Loop (Tax Map 164-A-47).

Information with regards to the length and size of the water line extension is as follows:

Water Line Type	Size (inches)	Length (Feet)
Public	3/4	525

ANALYSIS

Zoning/Land Use Compatibility

Both parcels associated with this request are zoned Agricultural Residential (AR). Adjacent properties and all properties that adjoin the two (2) parcels are zoned Agricultural Residential (AR) and Agricultural Rural Preserve (AP). The BRWA's objective is to provide public water service to the owner of 1906 Bunker Hill Loop (due to a failed well system) and to one (1) additional customer at 1867 Bunker Hill Loop.

Section 30-23 of the zoning ordinance mirrors the Code of Virginia requirement for special review of public service projects. The determination request was submitted by the applicant in accordance with this ordinance section.

Comprehensive Plan

The Bedford County 2030 Comprehensive Plan contains Chapter 7 Utilities for water, sewer, electricity and other infrastructure systems necessary for planning. Under Chapter 7 - Utilities, the Plan recognizes a need for providing water related to meet demand in areas with growth:

- Goal/Intent: Quality public utility systems and services that supports the County's planned land use
- Objective: 7.2 Public water and sewer facilities strategically developed and constructed in a fiscally sound manner
- 7.3 Adequate availability of drinking water sources

Given that the current private on-site well is failing, the proposed project aims to conform to the Plan's goal and intent to provide properties within the County's service area with adequate and reliable utility infrastructure and services. The extension of the waterline would alleviate the issue of a failing private on-site well.

Future Land Use Designation

The Future Land Use of the Bedford County Comprehensive Plan identifies the future uses in this immediate area as Agricultural Resource Stewardship. Such use future land use is described in Chapter 9 of the Comprehensive Plan as:

Agricultural/Natural Resource Stewardship Areas

High resource value areas based on soil types, environmental sensitivity, or other unique land characteristics. Includes areas that are preserved from development through public or private conservation efforts. Clustering of housing units is supported in this district.

ACTION

Pursuant to Virginia Code § 15.2-2232.A., the Planning Commission must determine if the requested projects are “substantially in accord with the adopted Comprehensive Plan” of June 2007 as set out in the excerpt below (underline added for emphasis of Commission action; full text attached).

Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no ... public building or public structure, public utility facility ... shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing...

After reviewing the application, the Planning Commission shall recommend approval or denial of the proposed project and may hold a public hearing (in accordance with Virginia Code § 15.2-2204) prior to making a recommendation. The Commission shall send their recommendation with reason for said action within 60 days of submission (September 15, 2020) to the Board of Supervisors. Failure to act within 60 days of submission shall be deemed approval of the special review project application.

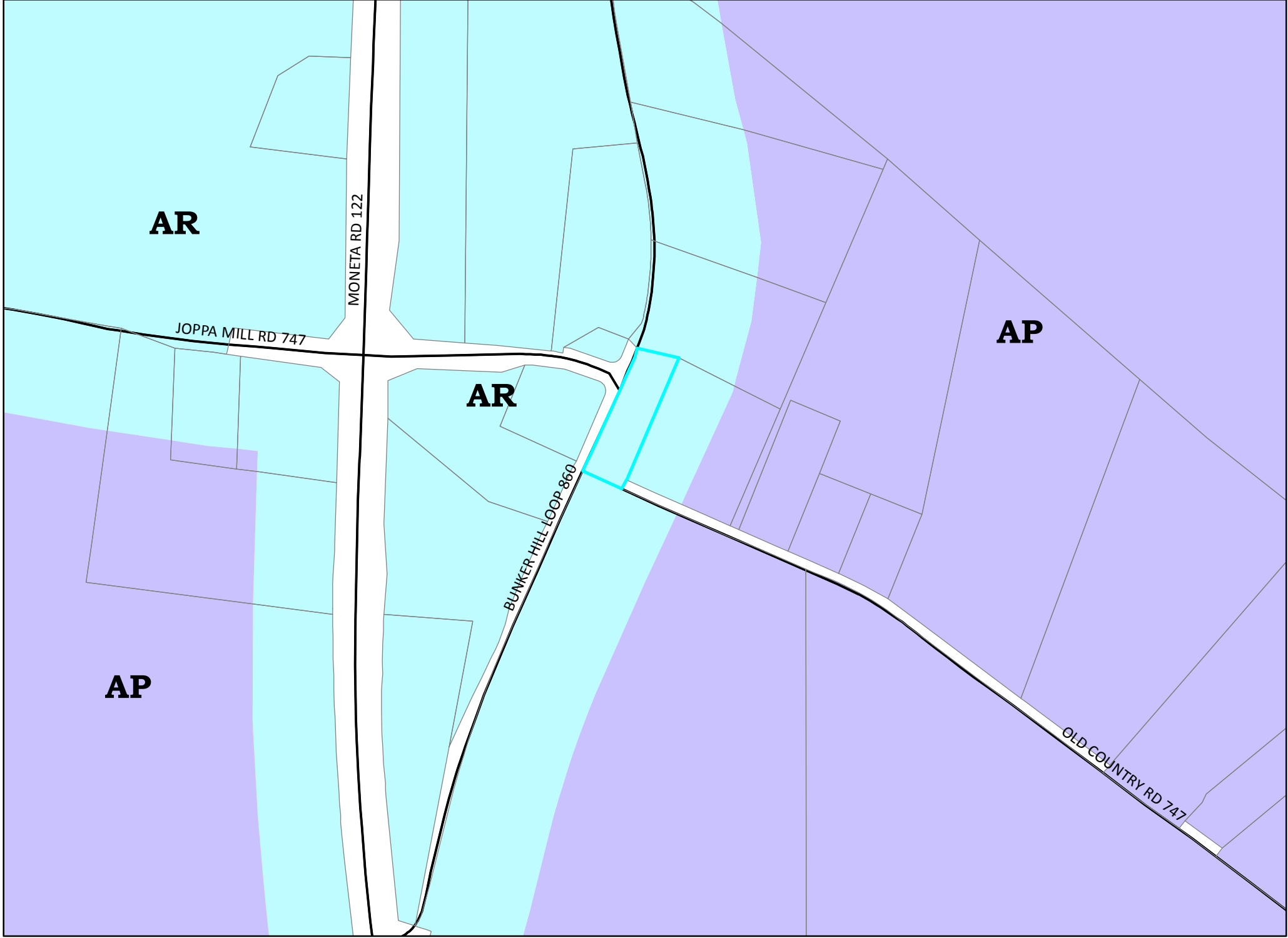
STAFF RECOMMENDATION

Given the Comprehensive Plan’s support of providing adequate and reliable utility infrastructure and services that meet demand in a customer service oriented manner, staff recommends that that the Planning Commission find that the request is in substantial compliance with the Comprehensive Plan 2030. The extension of a water line in the AR zoning district is consistent with the goals of the Comprehensive Plan to provide public water facilities in association with the County’s planned land use.

ATTACHMENTS

1. Zoning Map
2. Future Land Use Map
3. Application
4. Site Plan (Sheet 4)
5. Virginia Code § 15.2-2232

Zoning Map



AR

MONETA RD 122

JOPPA MILL RD 747

AR

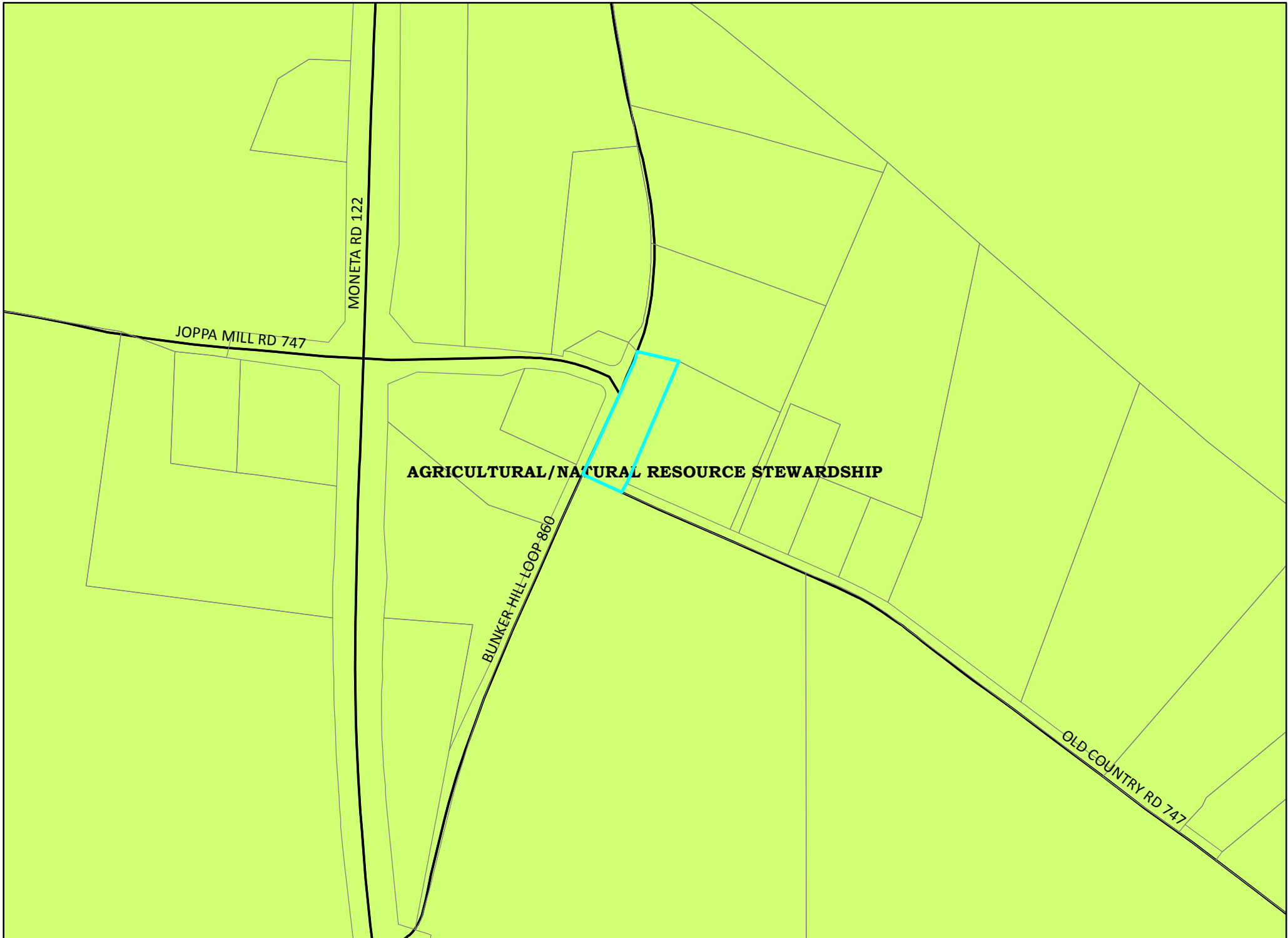
BUNKER HILL LOOP 860

AP

AP

OLD COUNTRY RD 747

Future Land Use Map



JOPPA MILL RD 747

MONETA RD 122

AGRICULTURAL/NATURAL RESOURCE STEWARDSHIP

BUNKER HILL LOOP 860

OLD COUNTRY RD 747



Bedford County
Department of Community Development
Division of Planning
122 E. Main Street, Suite G-03
Bedford, VA 24523
(540) 586-7616 • Fax (540) 586-2059
www.bedfordcountyva.gov/planning

For staff use only

Date received:

Received by:

Fee Paid: \$

PC Date:

Application No.:

BOS Date:

Project No.:

Special Review Project Application

GENERAL INFORMATION:

Bedford County Zoning Ordinance Section 30-23 / Code of Virginia Section 15.2-2232: Any project consisting of a street or connection to an existing street, park or other public area, public building or public structure, public utility facility, or public service corporation facility other than railroad facility, whether publicly or privately owned to be constructed, established or authorized shall be subject to a special review by the Planning Commission to determine if such project is in accordance with the county's comprehensive plan.

APPLICATION PROCEDURE:

- **Consultation with Planning Staff:** You are required to meet with a planner to discuss the request prior to submission.
- **Planning Commission:** The Planning Commission may hold a public hearing and review the application in order to make a recommendation to the Board of Supervisors.
- **Board of Supervisors:** The Board of Supervisors has the authority to overrule the action of the Planning Commission.

Please make sure the following items are included BEFORE submitting:

- Application Fee:** If a public hearing is required by the Planning Commission, the applicant may be responsible for the cost of the required legal notifications.
- Concept Plan:** A concept plan prepared by a professional engineer, architect or surveyor must be submitted with the application in both hard copy and digital (.pdf format) versions. The plan shall address any potential land use or design issues arising from the request. It is the responsibility of the applicant to demonstrate that the proposed use will be in harmony with the zoning district and surrounding area. If the proposed development is to be constructed in phases, all phases shall be shown at the time of the original application.



Bedford County

Special Review Project Application

Please print in blue or black ink or typewrite. If not applicable, write N/A.

APPLICANT INFORMATION

Note: If applicant is not the property owner, an owner's authority letter must be submitted with application.

Applicant Name: Bedford Regional Water Authority

Address: 1723 Falling Creek Road, Bedford, Virginia 24523

Phone: 540-586-7679 Fax: 540-586-5805 Email: brwa@brwa.com

Property Owner Name: Same as above.

Address: _____

Phone: _____ Fax: _____ Email: _____

Authorized Agent/Contact Person: Whitney Blankenship

Address: 1723 Falling Creek Road, Bedford, Virginia 24523

Phone: 540-586-7679 ex 113 Fax: _____ Email: wblankenship@brwa.com

Engineer: Hurt & Proffitt - Brian Cossman

Address: 2524 Langhorne Road, Lynchburg, VA 24501

Phone: 434-522-7679 Fax: 434-847-0047 Email: bcossman@handp.com

PROJECT INFORMATION

Location/Address of Property (directions from Bedford County Administration Building): Located along the section of Joppa Mill Road between Moneta Road and Bunker Hill Loop. Take Rt 122 towards SML and turn left on to Joppa Mill Road.

Tax Map Number(s): Located within VDOT Right-of-Way

Magisterial District: District 2 - Center **Election District:** Voting District 3

Size of Parcel(s): In acres N/A In sq. ft. N/A

Amount of area to be utilized 0.15 acres

Current Zoning: AR - Agricultural/Residential District **Current Land Use:** VDOT ROW

Please describe the proposed project or purpose of the request. The BRWA, in conjunction with the Department of Environmental Quality, is proposing a waterline extension along Joppa Mill Road. The project will consist of approximately 525 linear feet of water line and appurtenances that will serve two customers. This project was initiated by the property owner of 1906 Bunker Hill Loop due to a failed well system. A written agreement for design and construction has been executed between BRWA and the DEQ.

JUSTIFICATION FOR SPECIAL REVIEW PROJECT

The Planning Commission will review the request to determine conformance with the Comprehensive Plan. Please answer the following questions as thoroughly as possible. Attach additional paper if necessary.

Please explain how the project conforms to the general guidelines and policies contained in the Bedford County Comprehensive Plan. Is there a specific reference to the proposed project in the Comprehensive Plan? If not, please explain why the project should be determined to be in conformance.

The proposed water line extension is not referenced in the County's current Comprehensive Plan.

As the BRWA works to ensure that the needs of the County's citizens are addressed as they arise in a service oriented manner, the BRWA must provide a reactive approach to addressing the needs of our customers as well as a proactive approach through master planning. Although this project is not included in the County's current Comprehensive Plan, this project conforms to the Plan's goal and intent to "provide properties within the County's service area with adequate and reliable utility infrastructure and services" as outlined in Chapter Seven Utilities . Approval of this project will not only allow the BRWA to support the County in maintaining the goals and intent of the current Comprehensive Plan but also allows the BRWA to continue to uphold our core value of providing quality service to everyone.

CERTIFICATION

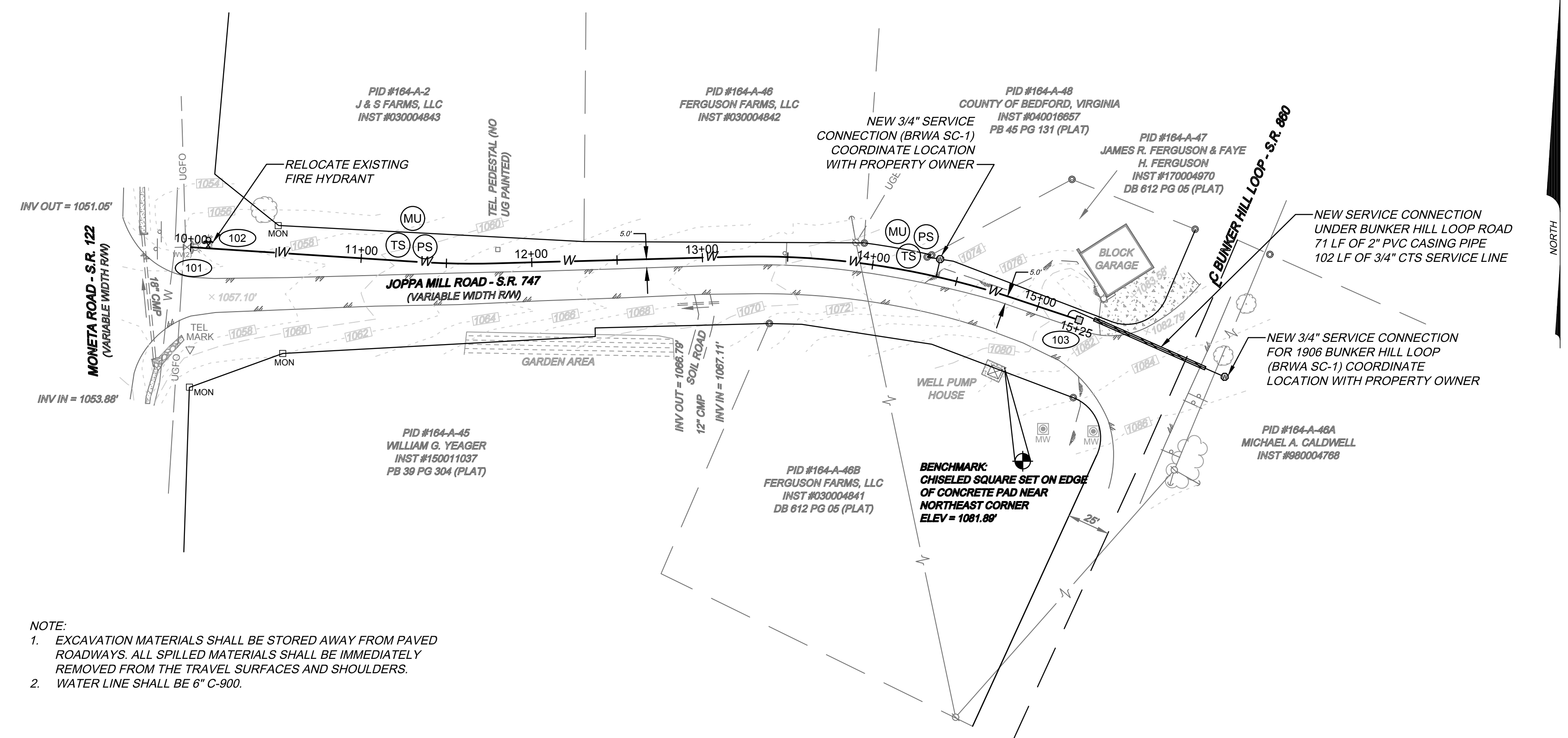
I hereby certify that this application is complete and accurate to the best of my knowledge, and I authorize County representatives entry onto the property for purposes of reviewing this request.

Owner/Agent Signature: Nathan D. Carroll Date: 8/07/2020

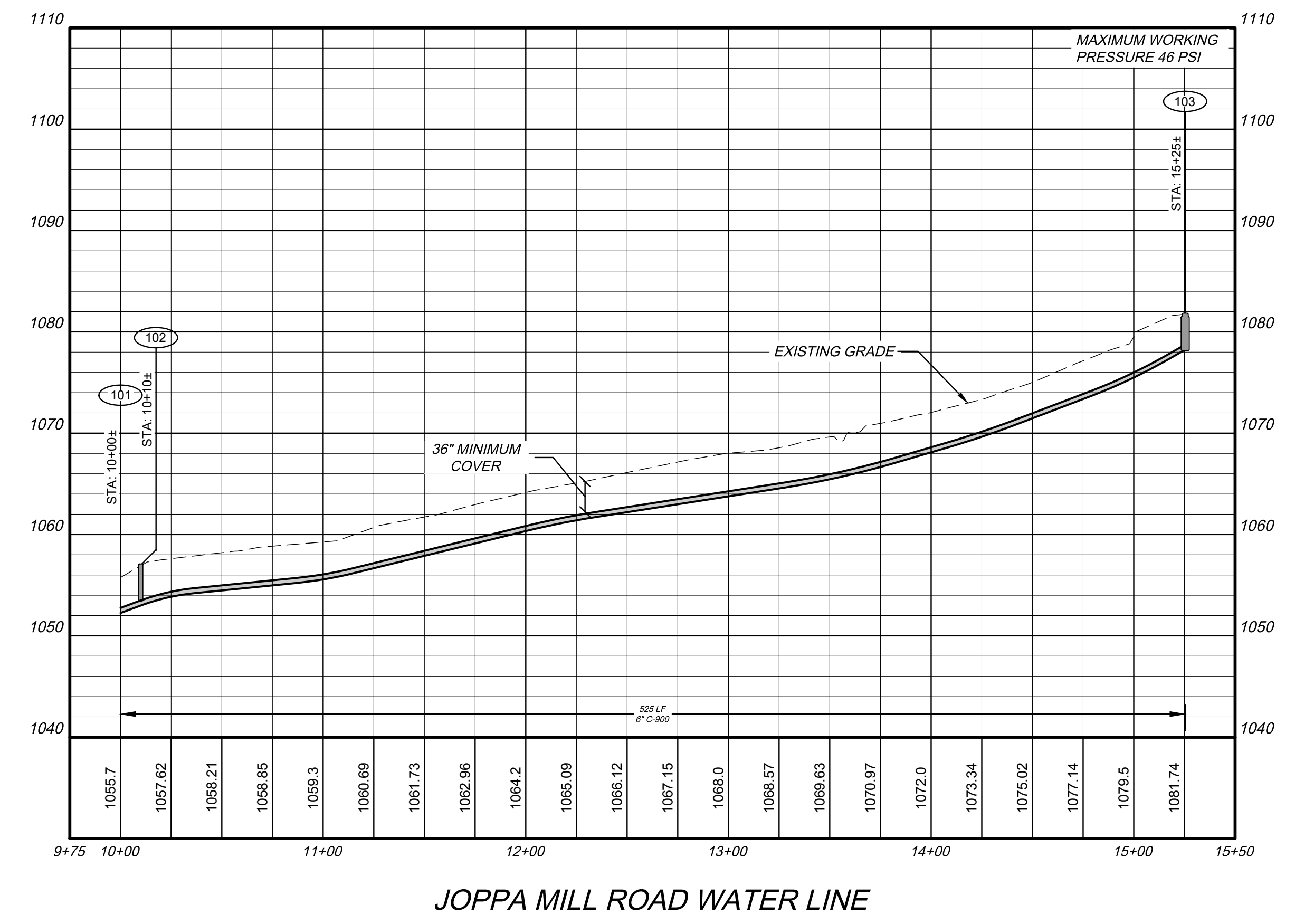
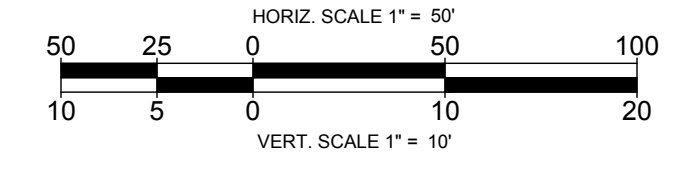
Print Name: Nathan D. Carroll

THIS SHEET IS INTENDED TO BE REPRODUCED AT A DIFFERENT SIZE THAN INTENDED SHALL VOID THE SCALE SHOWN ON THE SHEET.

- EXISTING LEGEND**
- IPF IRON PIN FOUND
 - WELL
 - ELECTRIC POLE
 - GUY WIRE
 - TELEPHONE POLE
 - TELEPHONE PEDESTAL
 - CLEANOUT
 - WATER METER
 - WATER VALVE
 - CURB DROP INLET
 - STORM MANHOLE
 - SANITARY MANHOLE
 - FIRE HYDRANT
 - LIGHT POLE
 - EDGE OF PAVEMENT
 - EDGE OF GRAVEL
 - EDGE OF CONCRETE
 - CREEK
 - GAS VALVE
 - BENCHMARK
 - SIGN
 - GUARDRAIL
 - EDGE OF WOODS
 - OH E- OVERHEAD ELECTRIC
 - OH T- OVERHEAD TELEPHONE
 - OH CTV- OVERHEAD CABLE TV
 - UG CTV- UG CABLE TELEVISION
 - UG E- UG ELECTRIC LINE
 - UG FO- UG FIBER OPTIC LINE
 - UG G- UG GAS LINE
 - UG T- UG TELEPHONE LINE
 - STORM SEWER LINE
 - SAN. SEWER LINE
 - W- WATER LINE
 - 800- EXISTING 10' CONTOUR
 - 798- EXISTING 2' CONTOUR
 - TREE
- PROPOSED LEGEND**
- W- WATER LINE
 - WATER SERVICE
 - WATER METER
 - BLOW OFF ASSEMBLY
 - AIR RELEASE
 - FIRE HYDRANT
 - GATE VALVE
 - TBA TO BE ABANDONED
- VIRGINIA UNIFORM CODING SYSTEM FOR EROSION AND SEDIMENT CONTROL PRACTICES**
* CHART TAKEN FROM THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (JULY 1992)
- SF SILT FENCE (3.05)
 - IP INLET PROTECTION (3.07)
 - OP OUTLET PROTECTION (3.18)
 - TS TEMPORARY SEEDING (3.31)
 - PS PERMANENT SEEDING (3.32)
 - MU MULCHING (3.35)



NOTE:
 1. EXCAVATION MATERIALS SHALL BE STORED AWAY FROM PAVED ROADWAYS. ALL SPILLED MATERIALS SHALL BE IMMEDIATELY REMOVED FROM THE TRAVEL SURFACES AND SHOULDERS.
 2. WATER LINE SHALL BE 6" C-900.



WATERLINE STRUCTURE SCHEDULE

STA: 10+00±	REQ'D:	
101	CONNECT TO EXISTING 6" VALVE	RELOCATE EXISTING FIRE HYDRANT (BRWA FH-1)
STA: 10+10±	REQ'D:	
102	RELOCATED FIRE HYDRANT ASSEMBLY (BRWA FH-1)	(1) - TRACER WIRE ACCESS BOX (BRWA TW-1)
STA: 15+25±	REQ'D:	
103	(1) - AIR RELEASE BULKHEAD ANCHOR WITH BLOWOFF (BRWA CA-7)	(1) - TRACER WIRE ACCESS BOX (BRWA TW-1)

HURT & PROFFITT
 INSPIRED / RESPONSIVE / TRUSTED

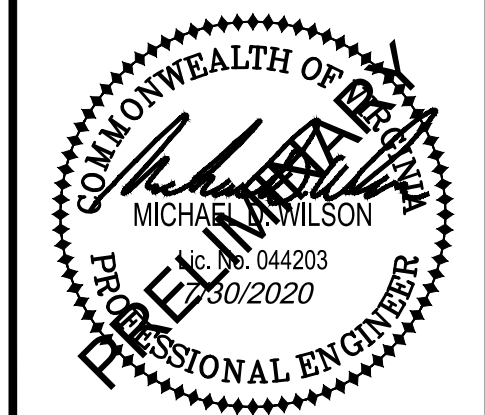
HANDP.COM
 LYNCHBURG, VA. 24501

434.847.7796
 2524 LANGHORNE ROAD
 LYNCHBURG, VA 24501

ENGINEERING • SURVEYING • LAND DEVELOPMENT • ENVIRONMENTAL
 GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

SITE PLAN FOR BUNKER HILL LOOP WATER LINE EXTENSION
 BEDFORD, VIRGINIA

PROJECT NO. 20200669
 LAT. 37.275017°
 LONG. -79.550779°
 DATE: 7/30/2020
 DRAWN BY: ZPJ
 CHECKED BY: MDW



REVIEW SET

BRWA JOB NO. 2019-108

HURT & PROFFITT

SHEET NO. C-101 REV.

JUL 30, 2020 - 2:31pm I:\DATA\01\Projects\2020\20200669\Engineering\CAU\Water Hill Site Plan.dwg

§ 15.2-2232. Legal status of plan

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.2-353 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body; provided, that the governing body has by ordinance or

resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303.

E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 or after July 1, 2012, by the Board of Education pursuant to § 22.1-20.1 shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

G. A proposed telecommunications tower or a facility constructed by an entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56 shall be deemed to be substantially in accord with the comprehensive plan and commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.

H. A solar facility subject to subsection A shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right; (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or 56-594.01 or by a small agricultural generator under § 56-594.2; or (iii) the locality waives the requirement that solar facilities be reviewed for substantial accord with the comprehensive plan. All other solar facilities shall be reviewed for substantial accord with the comprehensive plan in accordance with this section. However, a locality may allow for a substantial accord review for such solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.

Code 1950, §§ 15-909, 15-923, 15-964.10; 1958, c. 389; 1960, c. 567; 1962, c. 407, § 15.1-456; 1964, c. 528; 1966, c. 596; 1968, c. 290; 1975, c. 641; 1976, c. 291; 1978, c. 584; 1982, c. 39; 1987, c. 312; 1989, c. 532; 1990, c. 633; 1997, cc. 587, 858; 1998, c. 683; 2007, c. 801; 2009, cc. 670, 690; 2012, cc. 803, 835; 2016, c. 613; 2018, cc. 175, 318; 2020, c. 665.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose

provisions have expired.


**SPECIAL REVIEW
PROJECT
SRP20-0003**

**BRWA Proposed Booster
Station and Waterline
Construction For The
Central Treatment Plant**

**Presenter: Mariel Fowler
540-586-7616 ext 1390
540-586-2059 (fax)
mfowler@bedfordcountyva.gov**

MEMORANDUM

TO: Planning Commission

FROM: Mariel Fowler, Planner 

DATE: August 28, 2020

SUBJECT: ***Special Project Review #SRP20-0003 – Bedford Regional Water Authority – Proposed Booster Station and Waterline Construction for the Central Water Treatment Plant***

SYNOPSIS

The Code of Virginia § 15.2-2232 and Section 30-23 of the Bedford County zoning ordinance require localities to confirm that proposed public projects not shown in the adopted Comprehensive Plan be reviewed by the Planning Commission to determine if the facility is in conformance with the Plan. The Bedford Regional Water Authority (BRWA) has requested a determination for whether the construction of a water booster station is “substantially in accord with the adopted Comprehensive Plan” of Bedford County. The proposed project will be at the Central Water Treatment Plant located at 1132 Mountain Water Drive in Bedford.

PROPOSED PROJECT

The BRWA is seeking a determination of substantial conformance with the Comprehensive Plan (the Plan) for a water booster station in Voting District 7. The project consists of the construction of approximately 1,370 linear feet of waterline around the Central Water Treatment Plant, a water booster station and all related appurtenances to improve the water system for the adjacent eight (8) residential connections and one (1) commercial connection (greenhouse/nursery operation).

ANALYSIS

Zoning/Land Use Compatibility

The parcel (Tax Map #92-5-4) associated with this request is zoned Agricultural/Residential (AR). Surrounding properties are also zoned AR.

Section 30-23 of the zoning ordinance incorporates the Code of Virginia requirement for a special review of public service projects. The determination request was submitted by the applicant in accordance with this ordinance section.

Comprehensive Plan

The Bedford County 2030 Comprehensive Plan contains Chapter 7 Utilities for water, sewer, electricity, and other infrastructure systems necessary for planning. Under Chapter 7 - Utilities, the Plan recognizes a need for providing public water-related to meet demand in areas with growth:

Goal/Intent: Quality public utility systems and services that support the County's planned land use

Objective: 7.1 Public water and sewer facilities located in areas of high population density/growth

Although the project is not mentioned specifically in the Plan, the proposed project aims to conform to the Plan's goal and intent to provide properties within the County's service area with adequate and reliable utility infrastructure and services, in addition to aiding in the preservation of agricultural uses by continuing to provide services to a greenhouse/nursery operation.

Future Land Use Designation

The parcel and surrounding area are located in the future land use "Agricultural/Natural Resource Stewardship" designation. This area adjoins the "Rural Residential" designation to the south. They are described in Chapter 9 of the Comprehensive Plan as:

Agricultural/Natural Resource Stewardship

High resource value areas based on soil types, environmental sensitivity, or other unique land characteristics. Includes areas that are preserved from development through public or private conservation efforts. Clustering of housing units is supported in this district. The continued practice of land use assessment taxation is also considered a vital component in the conservation efforts of these areas.

Rural Residential

Small clusters of residential units with some low intensity agricultural uses. These areas are intended to preserve open spaces and the agricultural landscape while allowing clustered residential development that minimizes impervious surfaces across properties.

ACTION

Pursuant to Virginia Code § 15.2-2232.A., the Planning Commission must determine if the requested project is "substantially in accord with the adopted Comprehensive Plan" as set out in the excerpt below (underline added for emphasis of Commission action; full text attached):

Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no ... public building or public structure, public utility facility ... shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing...

After reviewing the application, the Planning Commission shall recommend approval or denial of the proposed project and may hold a public hearing (in accordance with Virginia Code § 15.2-2204) prior to making a recommendation. The Commission shall send their recommendation with the reason for said action within 60 days of submission to the Board of Supervisors. Failure to act within 60 days of submission shall be deemed approval of the special review project application.

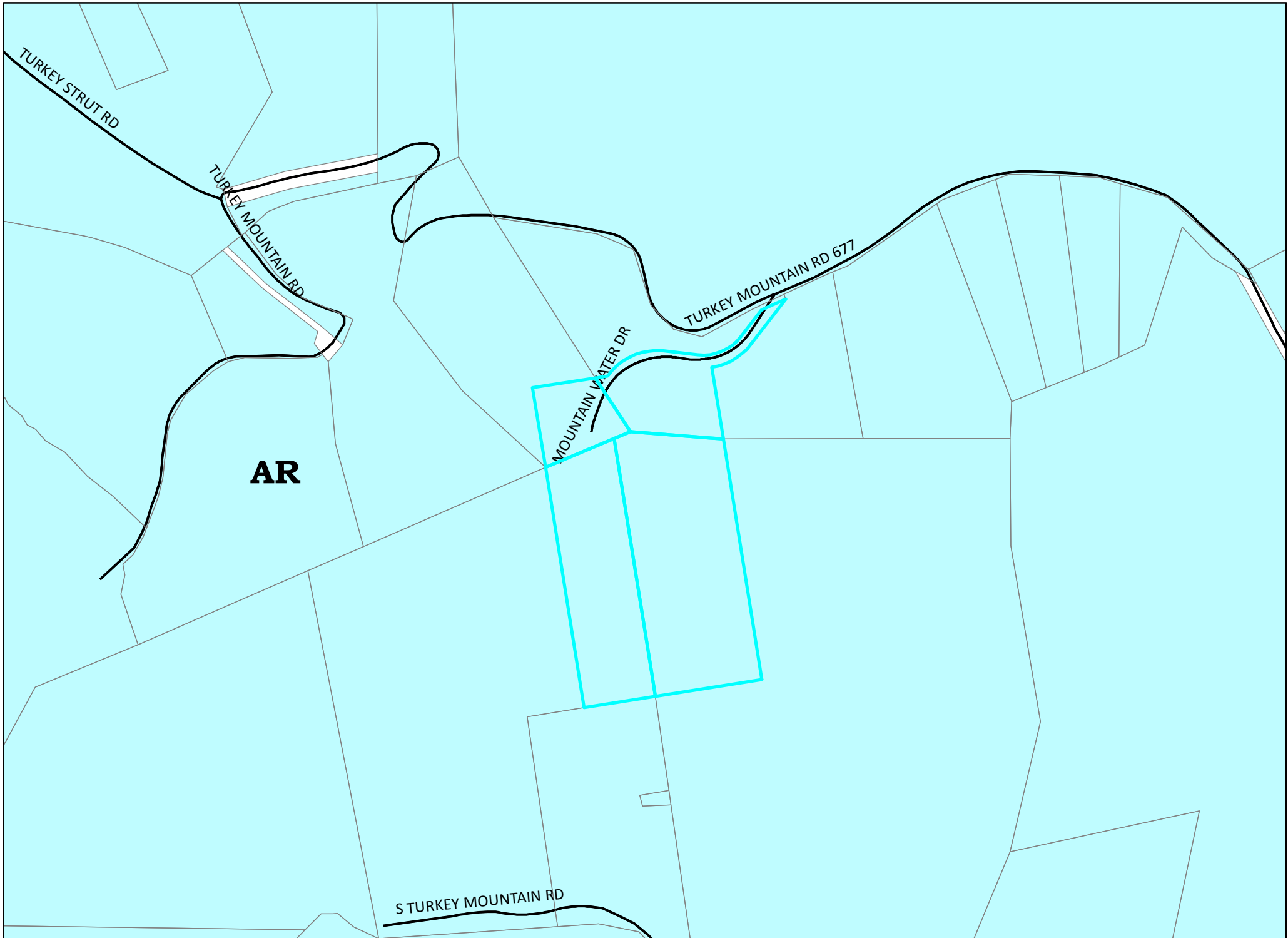
STAFF RECOMMENDATION

Staff recommends that the Planning Commission find that the request is in substantial compliance with the Comprehensive Plan 2030 after holding a public hearing. The water booster station is consistent with the goals of the Comprehensive Plan to provide adequate and reliable utility infrastructure and services that meet demand in a customer service-oriented manner.

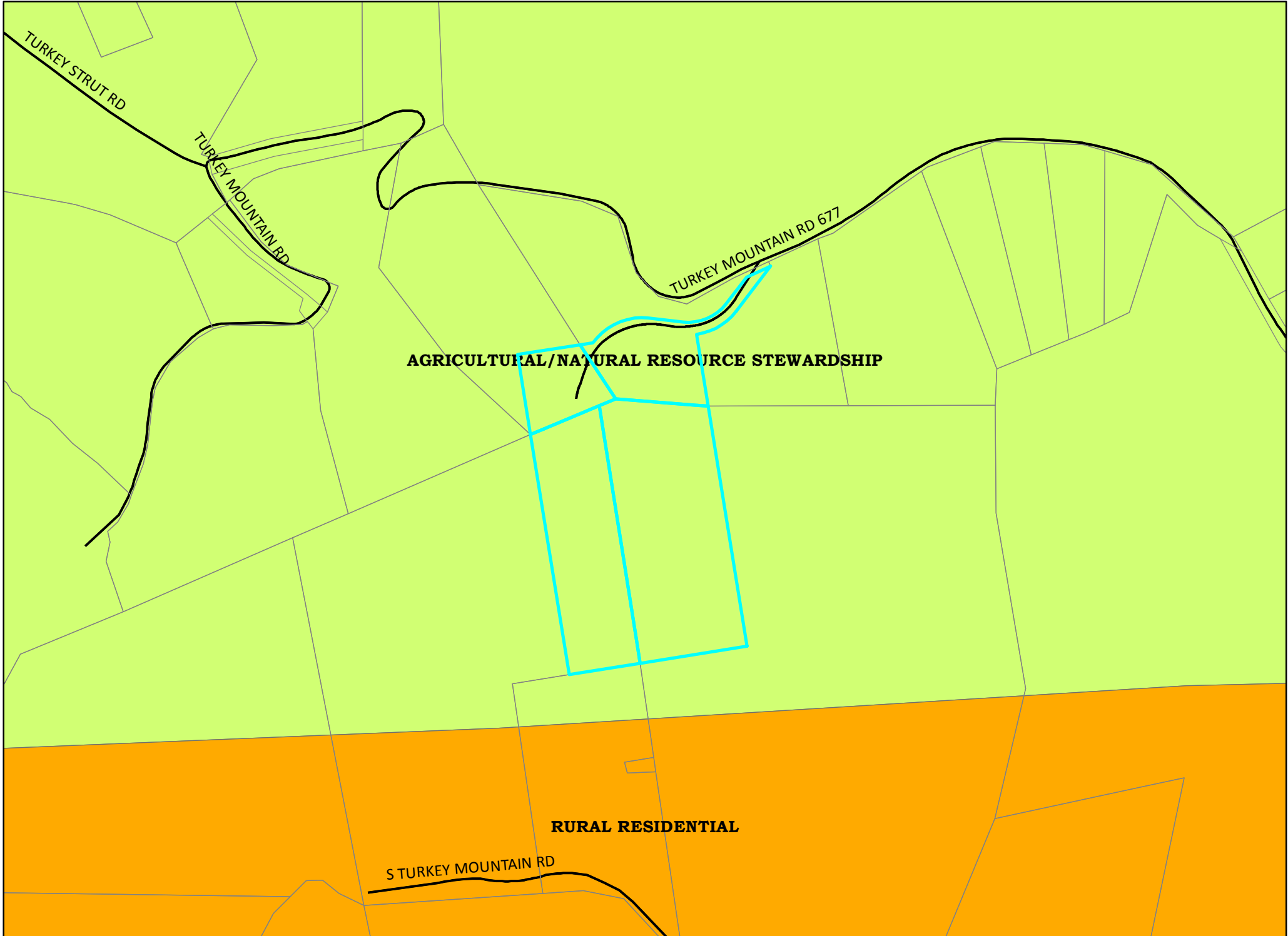
ATTACHMENTS

1. Zoning Map
2. Future Land Use Map
3. Application
4. Water Booster Station Site Drawing
5. Virginia Code § 15.2-2232

Zoning Map



Future Land Use Map





Bedford County

Special Review Project Application

Please print in blue or black ink or typewrite. If not applicable, write N/A.

APPLICANT INFORMATION

Note: If applicant is not the property owner, an owner's authority letter must be submitted with application.

Applicant Name: Bedford Regional Water Authority

Address: 1723 Falling Creek Road, Bedford, Virginia 24523

Phone: 540-586-7679 **Fax:** 540-586-5805 **Email:** brwa@brwa.com

Property Owner Name: Same as above.

Address: _____

Phone: _____ **Fax:** _____ **Email:** _____

Authorized Agent/Contact Person: Whitney Blankenship

Address: 1723 Falling Creek Road, Bedford, Virginia 24523

Phone: 540-586-7679 ex 113 **Fax:** _____ **Email:** wblankenship@brwa.com

Engineer: Hurt & Proffitt - Brian Cossman

Address: 2524 Langhorne Road, Lynchburg, VA 24501

Phone: 434-522-7679 **Fax:** 434-847-0047 **Email:** bcossman@handp.com

PROJECT INFORMATION

Location/Address of Property (directions from Bedford County Administration Building): _____

1132 Mountain Water Drive - Take Rt 43 North towards Peaks of Otter, take left on Turkey Mountain Rd, then left onto Mountain Water Drive.

Tax Map Number(s): 92 5 4

Magisterial District: District 2 - Center **Election District:** Voting District 7

Size of Parcel(s): In acres 11 In sq. ft. 479,160

Amount of area to be utilized 24,000 sq. ft.

Current Zoning: AR - Agricultural/Residential **Current Land Use:** 74 Local Government

Please describe the proposed project or purpose of the request. _____

THIS PROJECT CONSISTS OF THE CONSTRUCTION OF APPROXIMATELY 1370 LINEAR FEET 4" AND 6" WATER LINE AROUND THE CENTRAL WATER TREATMENT PLANT, A WATER BOOSTER STATION, AND ALL RELATED APPURTENANCES TO IMPROVE THE WATER SYSTEM FOR THE ADJACENT EIGHT RESIDENTIAL CONNECTIONS AND ONE COMMERCIAL CONNECTION.

JUSTIFICATION FOR SPECIAL REVIEW PROJECT

The Planning Commission will review the request to determine conformance with the Comprehensive Plan. Please answer the following questions as thoroughly as possible. Attach additional paper if necessary.

Please explain how the project conforms to the general guidelines and policies contained in the Bedford County Comprehensive Plan. Is there a specific reference to the proposed project in the Comprehensive Plan? If not, please explain why the project should be determined to be in conformance.

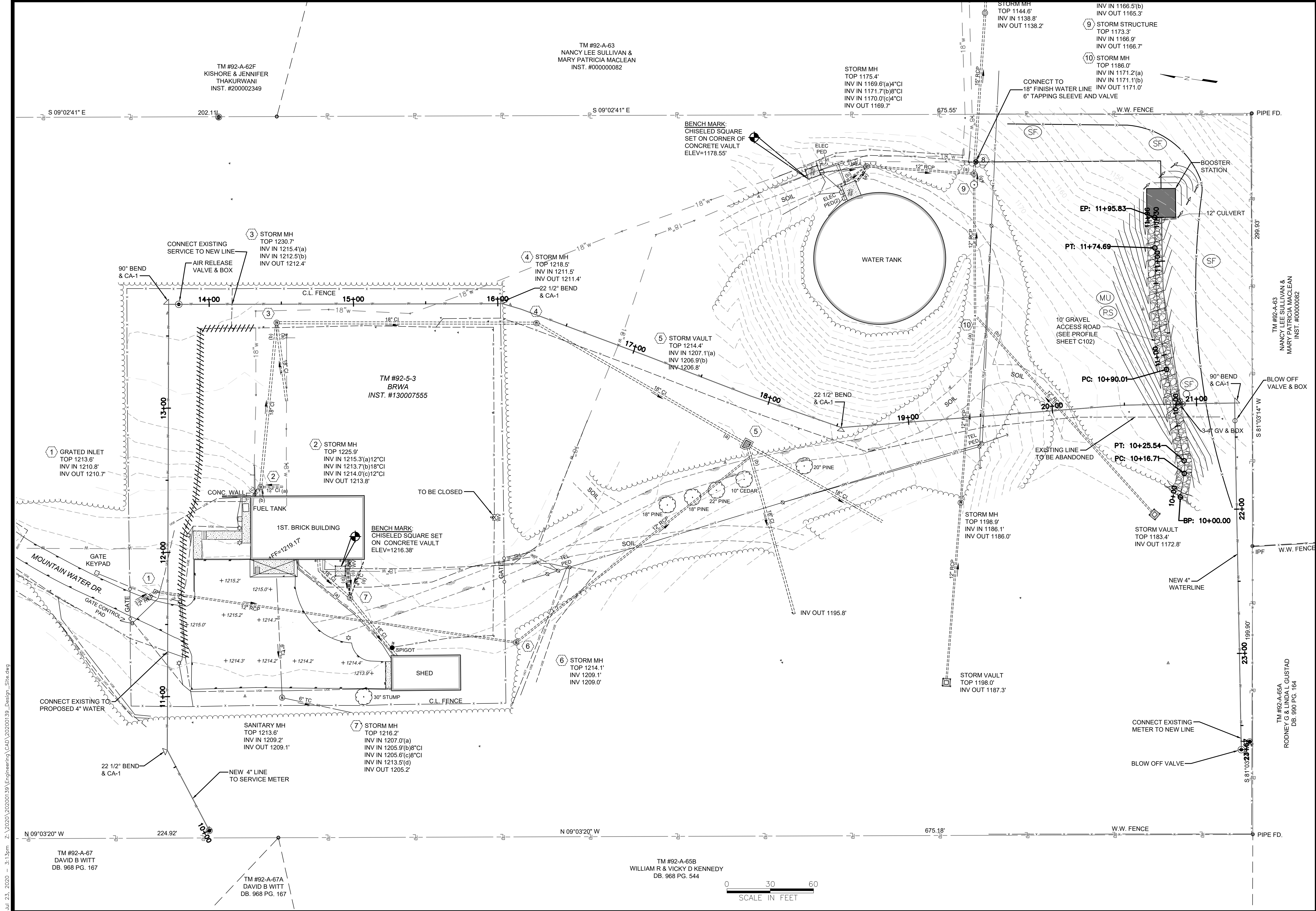
The proposed booster station project is not referenced in the County's current Comprehensive Plan. As the BRWA works to ensure that the needs of the County's citizens are addressed as they arise in a service oriented manner, the BRWA must provide a reactive approach to addressing the needs of our customers as well as a proactive approach through master planning. Although this project is not included in the County's current Comprehensive Plan, this project conforms to the Plan's goal and intent to "provide properties within the County's service area with adequate and reliable utility infrastructure and services" as outlined in Chapter Seven Utilities . This project also aides in preserving the County's agricultural uses by continuing to provide services to a green house/nursery operation. Approval of this project will not only allow the BRWA to support the County in maintaining the goals and intent of the current Comprehensive Plan but also allows the BRWA to continue to uphold our core value of providing quality service to everyone.

CERTIFICATION

I hereby certify that this application is complete and accurate to the best of my knowledge, and I authorize County representatives entry onto the property for purposes of reviewing this request.

Owner/Agent Signature: Nathan D. Carroll Date: 8/07/2020

Print Name: Nathan D. Carroll



SITE PLAN
CENTRAL WATER TREATMENT PLANT
BOOSTER PUMP STATION
BEDFORD, VA

PROJECT NO.	20200139
LAT.	37.3789
LONG.	-79.5586
DATE:	24 APR 2020
DRAWN BY:	CBD
CHECKED BY:	MGG

TM #92-A-63
 NANCY LEE SULLIVAN &
 MARY PATRICIA MACLEAN
 INST. #00000082

TM #92-A-67
 DAVID B WITT
 DB. 968 PG. 167

TM #92-A-67A
 DAVID B WITT
 DB. 968 PG. 167

TM #92-A-65B
 WILLIAM R & VICKY D KENNEDY
 DB. 968 PG. 544

TM #92-A-65A
 RODNEY G & LINDA L GUSTAD
 DB. 960 PG. 164

SITE PLAN

SHEET NO.
C100

Jul 23, 2020 3:13pm Z:\2020\20200139 (Engineering)\CAD\20200139_Design_Site.dwg

§ 15.2-2232. Legal status of plan

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H. A solar facility subject to subsection A shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right; (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or 56-594.01 or by a small agricultural generator under § 56-594.2; or (iii) the locality waives the requirement that solar facilities be reviewed for substantial accord with the comprehensive plan. All other solar facilities shall be reviewed for substantial accord with the comprehensive plan in accordance with this section. However, a locality may allow for a substantial accord review for such solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.

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