

**FRANKLIN COUNTY  
SPECIAL USE PERMIT APPLICATION**

(Type or Print)

I/We, SML Partners, LLC, as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors for a special use permit on the property as described below:

Petitioner's Name: Jay Shott

Petitioner's Address: 131 Plantation Ridge Dr, Mooresville NC 28117

Petitioner's Phone Number: 704-309-9880

Petitioner's E-mail: jshott@diamondbackllc.com

Property Owner's Name: SML Partners, LLC

Property Owner's Address: 131 Plantation Ridge Dr, Mooresville NC 28117

Property Owner's Phone Number: 704-309-9880

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Physical Address of the Property: 2239 Moorman Rd, Hardy VA 24101

Directions to Property from Rocky Mount: Take VA-122 North to 363, turn Left. Go to 676, turn left. Go to 634, turn right, then turn right on to Moorman Road.

Tax Map and Parcel Number: 0020000100, 0020000101, 0020000201

Magisterial District: \_\_\_\_\_

Property Information:

A. Size 194.89 acres of \_\_\_\_\_ Property:

B. Existing Zoning: A-1

C. Existing Mostly vacant Land Use:

D. Is property located within any of the following overlay zoning districts:  
Corridor District Westlake Overlay District  Smith Mountain Lake Surface District

E. Is any land submerged under water or part of a lake?  Yes  No If yes, explain.  
Part of the property is under Smith Mtn Lake. The 194.89 acres is the portion NOT submerged.

Proposed Special Use Permit Information:

- A. Proposed Residential Subdivision Land Use: \_\_\_\_\_
- B. Size of Proposed Use: 194.89 acres
- C. Other Details of Proposed Use: See attached.

Checklist for completed items:

- Application Form
- Letter of Application
- Concept Plan
- Application Fee

**\*\*I certify that this application for a special use permit and the information submitted herein is correct and accurate. I authorize County staff to access this property for purposes related to the review and processing of this application.**

Petitioner's Name (Print): Jay Shott  
DocuSigned by:  
 Signature of Petitioner: Jay Shott  
D977F32EEDAF44B...

Date: 8/2/2021

Mailing Address: 131 Plantation Ridge Dr  
Mooresville, NC 28117

Telephone: 704-309-9880

Email Address: jshott@diamondbackllc.com

Owner's consent, if petitioner is not property owner:  
 Owner's Name (Print): \_\_\_\_\_  
 Signature of Owner: \_\_\_\_\_  
 Date: \_\_\_\_\_

### **Moorman Road Development – Application for SUP to Permit Use of Private Streets**

- Section 25-295 of the Franklin County Code permits a subdivider to seek a Special Use Permit (SUP) to allow private streets or roads in a Residential Planned Unit Development (RPD) District.
- SML Partners, LLC has filed an application requesting rezoning of 194.89 acres to RPD on property located at 2239 Moorman Road (REZO-06-21-16967).
- SML Partners, LLC is requesting relief to the provision of public streets.
- The SUP request for Moorman Road is due to an existing easement within the proposed right-of-way resulting in the Virginia Department of Transportation (VDOT) not accepting the proposed streets into the public system.
- Although the streets would be private, SML Partners, LLC would construct all private streets in accordance with current VDOT subdivision requirements for public streets and would agree to comply with the road maintenance agreements of the subdivision ordinance regulating private streets in large lot subdivisions.
- Pursuant to the Virginia Property Owners' Association Act, Va. Code §§55.1-1800 et. seq., the Moorman Road Subdivision would have a mandatory homeowners' association of which all lot owners must be members. The HOA would be obligated to maintain the roads, and have a reserve fund for road maintenance as part of the annual dues.
- A bond would be in place to guarantee the roads would be built to state standards, and the bond would not be fully released until the roads are certified by a properly licensed engineering professional, accepted by the County, that the Moorman Road streets meet state standards.
- SML Partners, LLC would provide a note on subdivision plat identifying the streets as private and referencing this private maintenance responsibility.

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**Consultation with planning staff** is strongly recommended prior to filing of a special use permit application. The purpose of the consultation is to review the request, identify specific information that may need to be submitted, and discuss procedures and time frames.

**Filing Deadline:** Completed applications must be received by 4:30 P.M. on the deadline date listed on the schedule at the back of this packet in order to be processed and considered for public hearing. Applications must contain specific information, as detailed below and all fees paid by 4:30 P.M. on the advertised deadline date.

**Incomplete applications will not be accepted nor advertised.**

**APPLICANT MUST SUBMIT A COMPLETE  
APPLICATION CONSISTING OF APPLICATION FORM,  
LETTER OF APPLICATION, CONCEPT PLAN, AND ANY  
OTHER PERTINENT INFORMATION TO BE  
CONSIDERED BY THE PLANNING COMMISSION AND  
BOARD OF SUPERVISORS.**

**Application Requirements:**

1. **Completed application form**, typed or printed in ink and signed by applicant, including property owner's consent and signature.
2. **Letter of application** stating in general terms:
  - (a) the proposed use of the property,
  - (b) the reason for the request
  - (c) the effect of the changes on the surrounding area,
3. **Concept Plan** for property showing existing site features and any proposed development additions or improvements. See attached information for recommended contents of concept plans.

**Payment of Fees:**

Planned Developments	\$300.00 + \$5.00 per acre
Residential/Agricultural	\$250.00 + \$5.00 per acre
Commercial & Industrial	\$250.00 + \$5.00 per acre

**ALL required application fees must be paid at the time of submittal of application.**

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### **Posting of the Subject Property prior to Public Hearings:**

Franklin County Department of Planning and Community Development will post a "Notice of Public Hearing" sign along any road that is adjacent to the property for which a special use permit is requested. The notice will be posted by the county at least fourteen days prior to the scheduled Planning Commission and the Board of Supervisors public hearings. If no public road abuts the property, then notice signs shall be erected on at least 2 boundaries of the property abutting land not owned by the applicant.

The signs are property of Franklin County and must not be removed by the applicant.

### **Legal Advertisement Costs:**

Each special use permit request must be legally advertised in a newspaper of general circulation in accordance with established state and local regulations. Franklin County advertises in the Franklin News Post. The Department of Planning and Community Development shall prepare the legal ad and shall send the ad to the newspaper for publication.

**The cost of publishing the legal ad is the responsibility of the special use permit applicant. The newspaper will send an invoice to the Planning Department and staff will forward the invoice to the applicant. It is important that the invoice be paid upon receipt. Payment should be made to the Franklin County Planning Department who will be charged for the cost of the ad. If the invoice is not paid by the applicant to the Planning Department prior to the date of the scheduled public hearing, the public hearing will be delayed for at least one month or until the cost of the ad is paid.**

**If an applicant requests that a public hearing be delayed after publication of a legal ad, the applicant shall be responsible for all costs of re-advertisement.**

### **Considerations for Granting a Special Use Permit:**

The Planning Commission and the Board of Supervisors consider the following in reviewing requests for special use permits:

- The effect of the proposed use on adjacent property
- The effect of the proposed use on the character of the existing zoning district
- The agreement of the proposed use with the purpose and intent of the zoning ordinance and other uses permitted by right in the district
- The effect of the proposed use on public health, safety and welfare

### **For Further Information Contact:**

Department of Planning and Community Development  
1255 Franklin Street, Suite 103  
Rocky Mount, Virginia 24151

Phone: (540) 483-3027

Office Hours: Monday through Friday, 8:00 A.M. to 4:30 P.M.

## FRANKLIN COUNTY SPECIAL USE PERMIT PROCESS

### ***STEP 1 – PRE-APPLICATION MEETING***

- Applicant meets with planning staff to discuss request, obtain forms, review process, and identify required materials to appropriately process and review the request. An application for a special use permit must be filed by the property owner or with the property owner's written consent.

### ***STEP 2 – APPLICATION***

- Application: Applicant submits complete application packet to the Department of Planning and Community Development. Application and plans are available for public review.
- Posting of Property: The county shall post public notice signs on the property at least fourteen (14) days prior to the scheduled Planning Commission and Board of Supervisors public hearings.
- Notification of Property Owners: Planning staff notifies adjoining property owners of the special use permit request and the date of the public hearings.
- Public Notice/Legal Advertisement: Planning staff prepares required legal advertising and publishes in local newspaper. (Notification of requests and public hearing schedule must appear in a local newspaper two times in two consecutive weeks before each public hearing.) Applicant is responsible for cost of legal ad publication.

### ***STEP 3 – STAFF REVIEW***

- Staff visits site and coordinates application with other County departments, as well as public agencies that may be affected. Staff prepares a written report for the Planning Commission and Board of Supervisors that considers the proposed district regulations, and Section 25-2 through 25-4 of the Zoning Ordinance (Purpose and Intent; Relationship to Environment; and Relationship to Comprehensive Plan).

### ***STEP 4 – PLANNING COMMISSION REVIEW AND RECOMMENDATION***

- Planning Commission visits each site prior to the scheduled public hearing.
- The applicant or a designated agent must attend the public hearing.
- Public comment is received at the hearing.
- Planning Commission must make a recommendation to the Board of Supervisors within 100 days of its first meeting date. The recommendation may include conditions on the use of the property to address specific issues of concern. **Any conditions that are proposed by the developer must be submitted to the Planning Office no later than 4:30 pm six (6) days prior to the Board of Supervisors Meeting.**
- After action is taken by the Planning Commission, the request is scheduled for public hearing before the Board of Supervisors. Planning staff immediately prepares legal advertisements and proceeds with newspaper publication. Applicant is responsible for cost of legal ad publication.
- *Please note that any request to withdraw or postpone an application must be requested in writing within two (2) days after the Planning Commission hearing in order to coordinate public notice requirements.*

***STEP 5 – BOARD OF SUPERVISORS DECISION***

- Planning Commission recommendation is forwarded in writing to the Board of Supervisors
- Applicant or their agent must attend the public hearing
- Board of Supervisors can approve or deny the request, or refer it back to the Planning Commission for additional review
- The Board may impose conditions upon any special use permit, as provided for in Section 25-640 of the Zoning Ordinance and may require a bond or surety to ensure compliance with conditions.
- Special use permit is effective immediately after action by the Board of Supervisors
- Special use permits expire in 18 months if there is no commencement of the use or related activity

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# Letter of Transmittal

<b>To:</b> Franklin County – Planning & Comm. Dev. Office of Development Services 1255 Franklin Street, Suite 103 Rocky Mount, VA 24151 Attn: Timothy Mack 540-483-3027  <i>(need telephone no. if Fedex, no P.O. Box)</i>	<b>From:</b> John Kinnaird	<b>Date:</b> 8/2/21
<b>Project Name</b> Moorman Subdivision	<b>cc:</b> <i>(need telephone no. if Fedex, no P.O. Box)</i> File	
<b>Project No:</b> 487819		

Mail     
  Deliver     
  Overnight\*     
  Other \_\_\_\_\_

\*must use street address & include phone number

Document Description:	Date:	Copies:
Concept Plans		1
Review Fee	8/2/21	1
SUP Application	8/2/21	

**Comments:**



Information Panel	
(1 of 1)	<a href="#">Clear</a>
<a href="#">Zoom to</a> ***	
Parcels: 0020000100	
Primary Details	
Parcel ID	0020000100
Map Number	002.00
Parcel Number	001.00
Owner	SML PARTNERS LLC
Owner Address	200 NORTH HARBOR PL SUITE G
City	DAVIDSON
State	NC
Zip Code	28036
Physical Address	2239 MOORMAN RD 24101
Legal Description 1	RT 635-MOORMAN RD
Legal Description 2	
Zoning	A1
District	BOONE
Acreage	239.74
Land Value	\$1,946,500.00
Building Value	\$54,400.00
Assessed Total	\$2,000,900.00
Land Use Value	\$0.00
Grantor	SML PARTNERS LLC
Consideration	\$10,548.00
Consideration Date	5/15/2019 8:00 PM
Instrument Yr	2019
Instrument No	2794
Subdivision	
Deed Book	1121
Deed Page	2255
Plat Book	1121
Plat Page	2243
Property Card	<a href="#">View Card</a>



