Application to Planning Commission and Board of Supervisors

Application For: (check appropriate boxes)

☐ Rezoning ☐ Rezoning & Special Use Permit ☑ Special Use Permit

Owner/Applicant Information: (Use current mailing/contact information for all property owners. An additional sheet may be attached for multiple owners.)

Property Owner: 1575 Thomas Lane, LLC
Address: 1575 Thomas Ln.
Blacksburg, VA 24060
Phone 1: 540-421-8238
Phone 2:
Email: jamesu@backtonaturelandscaping.com

Agent:
Address:
Phone 1:
Phone 2:
Email:

Location of Property/ Site Address: 1575 Thomas Ln., Blacksburg, VA 24060

Legal Record of Property: Total Area: 6.521 Acres Magisterial District Prices Fork "Sheppherd"

Parcel ID: 018326 Tax Parcel Number(s): 052-A51 (A*)

Rezoning Details: Current Zoning District: A1 Requested Zoning District:

Desired Use(s):

Special Use Permit: Current Zoning District A1 Total Area/Acres: 6.521

Desired Use(s): Contractors Storage yard

Comprehensive Plan Designation:

Traffic Impact Analysis Required: ☐ Yes (payment enclosed) ☐ No

I certify that the information supplied on this application and on the attachments provided (maps or other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of Montgomery County and State of Virginia to enter the above property for the purposes of processing and reviewing the above application.

[signature] 8/22/16

Agent's Signature Date

Property Owner(s) Signature Date

FOR OFFICE USE ONLY

Date Received: Application Number: SU-2016-14556

Traffic Impact Analysis and Payment Received: ☐ Yes ☐ No Date Submitted to VDOT:

RECEIVED
OCT 31 2016
MONTGOMERY COUNTY
PLANNING & GIS SERVICES

Special Use Permit

Property:	1575 Thomas Ln LLC	
Property Owner:	James Ulmer	Tom McMurray
Address:	1575 Thomas Ln	9300 Davis Dr
	Blacksburg Va 24060	Lorton Va. 22079
Phone:	540-421-8238	703-898-7719
Email:	Jamesu@backtonaturelandscaping	tom@mcmurraybuilders.com
Tax Map:	052-A51(A*)	
Parcel ID:	018326	
Acers:	6.52	
Zoned:	Agriculture (A1)	

10/31/16

10-31-16

1. Completed Application Form & Justification Statement

My names is James Ulmer, Owner, of Back to Nature Landscaping, LLC. I grew up in Bridgewater, Virginia. After graduating high school in 2009, I moved to Blacksburg, Virginia to attend Virginia Tech University to study Horticulture. Getting settled into school and the community I started doing odd jobs for residents. I started getting pretty busy and decided to re-brand the company and started Back to Nature Landscaping, LLC in September of 2013. From 2010-2014 I was running the company out of my apartment until I came across 1575 Thomas Ln. (Meadowbrook Gardens) in Blacksburg, Virginia. After meeting the property owner's, Darrell & Sheri Dorn, I was very interested in purchasing it, since they offered the same services as Back to Nature. I started renting the property in 2015 and obtained a zoning verification letter (attached) from the Dorn's. In January 2016, I purchased the property from the Dorn's.

Meadowbrook Gardens, owned by the Dorn's was a full retail business and its services included maintenance, landscaping and construction. Back to Nature plans to use the property for the exact same use while always maintaining and improving it. We have been cleaning up the property by removing all previous trash, brush and invasive species. We have touched up all previous graveled areas and added a cover to the greenhouse. Our operating hours are from sun up to sundown. We are committed to operating only during daylight hours and will close doors no later than sunset. We have 8-13 employees depending on the season. The existing traffic pattern and parking is very orderly and efficient. All parking, vehicles, equipment and material are screened from view of the surrounding properties. To better improve the property as a whole and to benefit everyone we are proposing to add two structures to store trucks, equipment, tools and material in (refer to # 1 & 5 on the concept plan.) Please refer to the concept plan to see proposed and existing buildings.

In the Concept plan you will find we are proposing to build two structures (1. Garage, 5. Open pole barn) and add more landscaping screening in winter of 2016/17. The Garage will be used to store tools and work on trucks and equipment. The open pole barn will be used to store trucks, equipment, and material. Existing lighting is in place for safety and security purposes and we will be adding a security system as well. Lighting/glare can't be seen from surrounding properties. Fire extinguishers will be placed in strategic places in case of an emergency. With the addition of these improvements we will not be expanding our employees, traffic, operating hours or noise levels. We are just improving what we currently have and operate out of to make it more aesthetically pleasing and efficient.

The construction of the buildings and property improvements will promote convenience to the public by helping reduce noise and also adding better screen material, equipment and trucks from surrounding properties and the public. By adding the buildings it will make our yard more aesthetically pleasing to both the public and employees. Our proposed plan will not result in the preservation or destruction, loss or damage of any topography or physical, natural, scenic, archaeological or historic features of significant importance. There will be no effect on groundwater supply or the structural capacity of the soil. By cleaning up the property, taking out invasive species, planting trees, shrubs and native wildlife areas along the outskirts of the property will help erosion, water and air quality.

2. Concept Development Plan

Please see attached

3. Comprehensive Plan Justification

Our plan is in compliance with all building and lot requirements, and availability of water and sewer.

Our plan does not require additional roadways or entrances. The existing entrance has been approved by VDOT (see attached).

4. Evidence of water supply and sewer disposal

The residential house on the property is on city water. The septic system on the property is for both the house and office. Well water is used in the public restroom and to water all plant materials.

5. Transportation Impacts

VDOT has come out to our site and has declared our entrance is still in compliance (see attached)

Additional Special Use Permit Requirements The applicant for special use permit shall provide a statement of justification to address the following items in the application materials to demonstrate what impact the proposed request will have on the County's resources and how the request complies with Montgomery County's comprehensive plan. Section 10-54(3)(g), Montgomery County Zoning Ordinance Issues for Consideration. In considering a Special Use Permit application, the following factors shall be given reasonable consideration. The application shall address all the following in its statement of justification or Special Use Permit plat unless not applicable, in addition to any other standards imposed by this Ordinance:

1. Whether the proposed Special Use Permit is consistent with the Comprehensive Plan (Addressed under "3. Comprehensive Plan Justification").

-Yes

2. Whether the proposed Special Use Permit will adequately provide for safety from fire hazards and have effective measures of fire control.

-Yes, we have evacuation sheets posted as well as fire extinguishers located in and around all the buildings.

3. The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.

-We do not generate very much noise at all other than trucks and equipment running and occasionally working on them. By building the proposed building it will help reduce noise since we can work on vehicles and equipment indoors.

4. The glare or light that may be generated by the proposed use in relation to uses in the immediate area.

-All existing lighting is placed in strategic locations to light up parking areas and around our building. This helps with safety for employees and customers and security issues. All lighting is pointed downwards and does not glare or affect neighboring properties in any way.

5. The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance.

-There is an existing sign location at the front entrance that we will install a Back to Nature sign that will not exceed the maximum dimensions (approx 4'x5'). A zoning/building permit will be obtained prior to updating the sign.

6. The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.

- All properties surrounding our space are wooded or overgrown other than the property to the south and directly across the street. Both of these properties are residential houses. Both are screened with plants so residents can't see into our property.

7. The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.

-Please refer to concept plan and other documents.

8. The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.

-All boundaries of the property are dense with a variety of trees and shrubs. We have been and plan to keep maintaining and adding plants.

9. The timing and phasing of the proposed development and the duration of the proposed use.

-We plan to start building in December and will be finished by March of 2017

10. Whether the proposed Special Use Permit will result in the preservation or destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.

-There is no effect on whether the proposed Special Use Permit will result in the preservation or destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.

11. Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public.

-Our plan will make our entire yard more aesthetically pleasing since we will be able to hide lots of material and equipment in our proposed structures out of sight.

12. The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety and efficient traffic movement.

-Our traffic pattern and parking is very straightforward and convenient to both our employees and customers.

13. Whether, in the case of existing structures proposed to be converted to uses requiring a Special Use Permit, the structures meet all code requirements of Montgomery County.

-No existing structure will be converted into anything different.

14. Whether the proposed Special Use Permit will be served adequately by essential public facilities and services.

- A public restroom is located in the office at ground level.

15. The effect of the proposed Special Use Permit on groundwater supply.

-There is no effect on the proposed Special Use Permit on groundwater supply.

16. The effect of the proposed Special Use Permit on the structural capacity of the soils.

-There is no effect on the proposed Special Use Permit on the structural capacity of the soils.

17. Whether the proposed use will facilitate orderly and safe road development and transportation.

-There is no proposed road construction that is required. Everything is already existing.

18. The effect of the proposed Special Use Permit on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality.

-We have improved the pond and property by taking out all sludge, trash and invasive species. We have started planting native plantings in and around the pond and the property. All of this will have a positive effect.

19. Whether the proposed Special Use Permit use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.

-Yes our plan will promote a more desirable employment. It will allow us to be more efficient and organized. Estimated 8-13 seasonal and full time employees.

20. Whether the proposed Special Use Permit considers the needs of agriculture, industry, and businesses in future growth.

-Yes, the proposed Special Use Permit considers the needs of agriculture, industry, and businesses in future growth

21. The effect of the proposed Special Use Permit use in enhancing affordable shelter opportunities for residents of the County.

-There will be no affect on use in enhancing affordable shelter opportunities for residents of the County.

22. The location, character, and size of any outdoor storage.

-Refer to concept plan #14. This is the location we will store plants, plant media, and landscaping material like stone and drainage supplies. All loose material (material not on pallets) will be stored in concrete bins like you see at mulch and stone yards.

23. The proposed use of open space.

-Refer to concept plan #17. Area will be planted with native wildlife mixtures, trees, shrubs and well maintained.

24. The location of any major floodplain and steep slopes.

-No floodplains designated for this property.

25. The location and use of any existing non-conforming uses and structures.
    -The existing residence address has been changed to 1573 thomas ln and the business portion of the property is 1575 Thomas ln.

26. The location and type of any fuel and fuel storage.
    -Gasoline and diesel fuel will be stored in 1-5gal fuel cans in the garage, #1 on site plan.

27. The location and use of any anticipated accessory uses and structures.
    -Refer to concept plan

28. The area of each use; if appropriate.
    -Refer to concept plan

29. The proposed days/hours of operation.
    -Employee's sunrise-sunset and open to the public from 9am-5pm

30. The location and screening of parking and loading spaces and/or areas.
    -Heavy vegetation, refer to concept plan

31. The location and nature of any proposed security features and provisions.
    -Security cameras will be located around the office and the proposed buildings.

32. The number of employees.
    -8-13 employees depending on the season

33. The location of any existing and/or proposed adequate on and off-site infrastructure.
    -Public water supplies the residents hon the property #7. The office/restroom water supply is from a well and the office and residence has a septic system (drainfield)

34. Any anticipated odors, which may be generated by the uses on site.
    -No anticipated odors that may be generated by the uses on site.

35. Whether the proposed Special Use Permit uses have sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.
    -Construction traffic during the building process will be very minimal.

Design Key

*red represents the two proposed buildings

1. Garage (Proposed) 40x35x23 (Level 1-1300sf, Level 2 560sf
    a. Used to work on or store trucks, equipment, tools & material
    b. Green metal roof & brown metal Siding
2. Open Pole Barn (Existing) 25x20x17
    a. Used to store trucks, equipment, tools & material
    b. Metal roof & metal siding
3. Shed (Existing) 15x30x13
    a. Used to store tools & material
    b. Metal roof & siding
4. Open Pole Barn (Existing) 25x20x13
    a. Used to store trucks, equipment, tools & material
    b. Metal roof & siding
5. Open Pole Barn (Proposed) 60x25x13
    a. Used to store trucks, equipment, tools & material
    b. Green Metal roof & brown metal Siding
6. Office (Existing) 29x24x17
    a. Used as an office for employees and public restroom
    b. Vinyl siding w/ shingled roof
7. House (Existing) 45x40
    a. Used as a residence
    b. Brick & vinyl siding w/ shingled roof

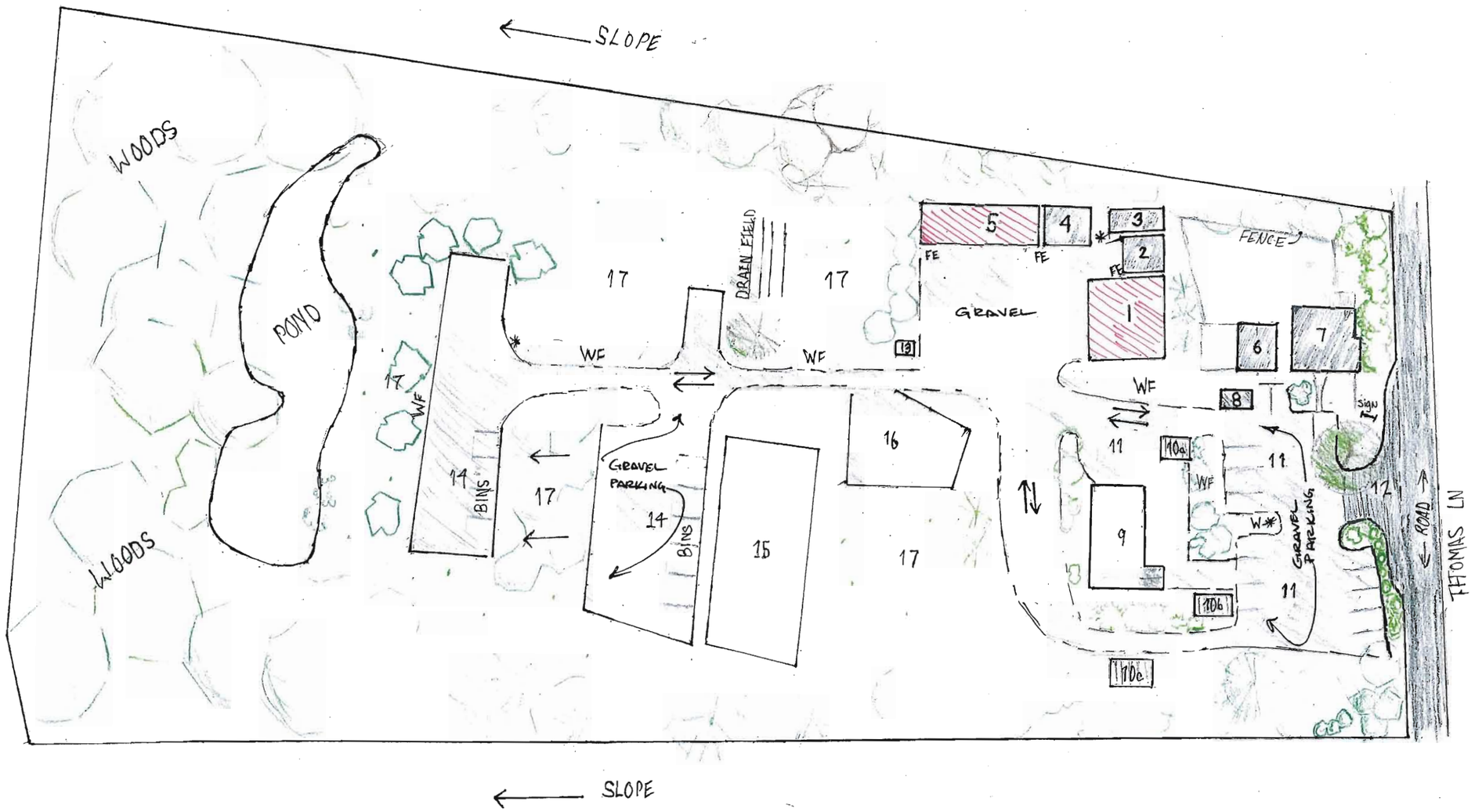
Well House (existing) 8x16

    a. Use to store water pump filter & irrigation hub
    b. Cinder block w/ shingled roof

9. Greenhouse (existing) 61x31
    a. Used to store plant material
    b. Metal framed
10. Pergolas (Existing)
    a. 10x12
    b. 20x11
    c. 12x24
    d. Used to store shad plants
    e. Pressure treated lumber
11. Parking (existing)
    a. Parking for employees and customers
    b. Spaces- 17+
12. Entrance (existing)
    a. Approved VDOT commercial entrance
    b. Asphalt
13. Dumpster (existing) 8'x8'
14. Graveled area (existing)
    a. Used to store material stone, mulch, plant media
    b. All loose material to be stored in concrete bins or on pallets
15. Plant pas (Existing)
    a. Area covered in plastic
    b. No proposed use
16. Graveled Area (existing)
    a. Overflow parking & storage area
17. Native area (existing)
    a. Maintained native wildlife area
18. Planting/Screening Area (Existing and proposed)
    a. Variety of plants used to screen surrounding property
    b. Many of the plants already exist but plan to plant more
19. Pond (existing)
20. Sign 4x5 (existing)
21. (FE) Fire extinguisher
22. (*)Lights
23. Septic/Drain field
24. (W) Well

1. Garage (proposed)

5. Open Pole Barn (Proposed)



KEY	
FE	FIRE EXTINGUISHER
W	WELL
*	FLOOD LIGHT
WF	WILD FLOWERS
⇄	TRAFFIC FLOW
←	DOWN HILL SLOPE

PROPOSED BUILDINGS		
TYPE	1. GARAGE	5. OPEN POLE BARN
USE	STORE MATERIAL, TOOLS, EQUIPMENT & TRUCKS	
MATERIAL	METAL ROOF & METAL SIDING	
LIGHTING	STANDARD EXTER & INTIER LIGHTING	

PARCEL ID	018326
ACERS	8,521
ZONED	A-1

SPECIAL USE PERMIT

JAMES ULMER & TOM MCMURRAY
540 421 8238
Jamesu@backtonaturelandscaping.com

9 - 21 - 16

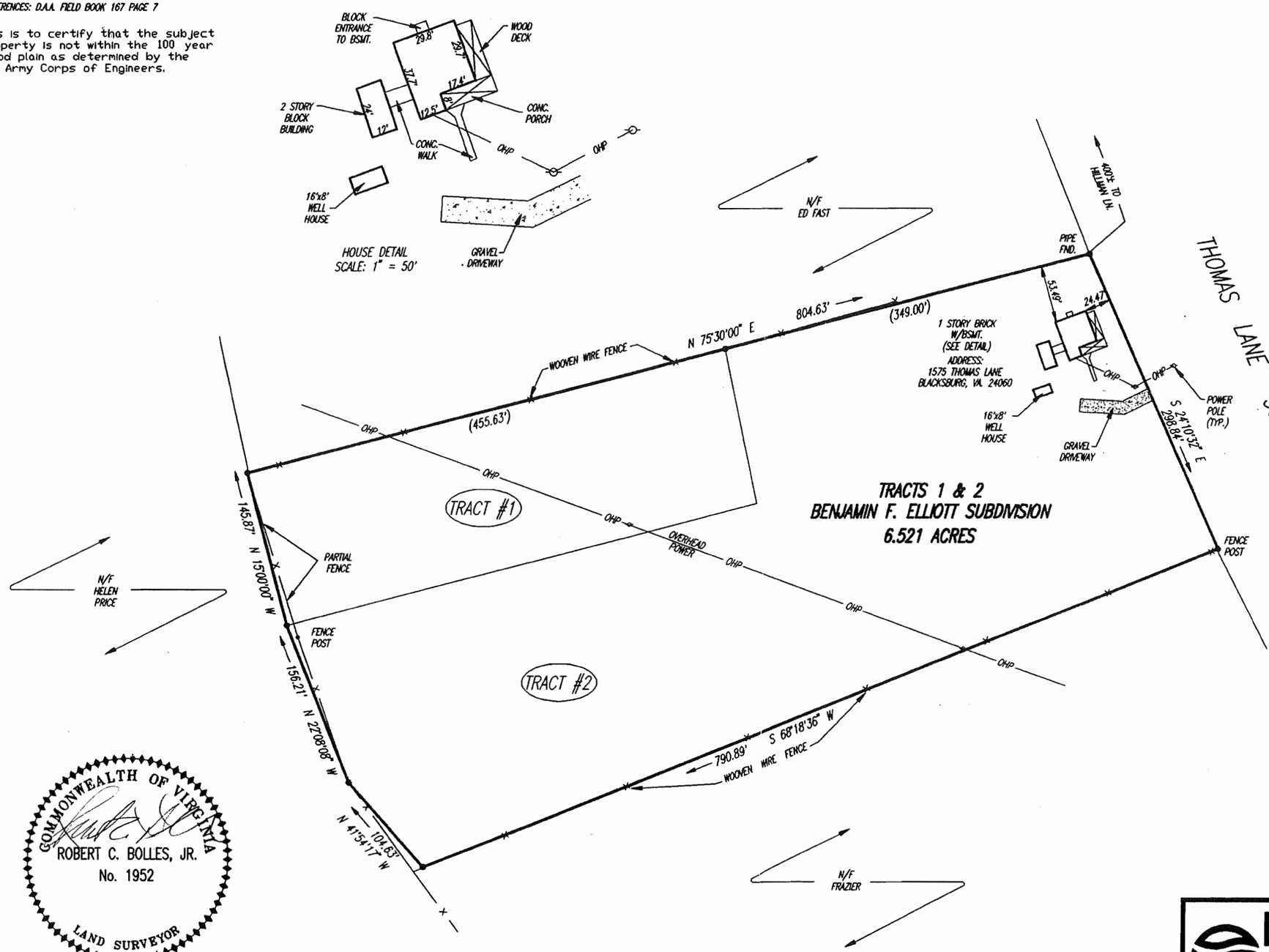
1/4" = 15'

N

1 OF

REFERENCES: D.A.A. FIELD BOOK 167 PAGE 7

This is to certify that the subject property is not within the 100 year flood plain as determined by the U.S. Army Corps of Engineers.



BOUNDARY SURVEY
FOR
PAUL M. WESEL
LOCATED IN
PRICES FORK MAGISTERIAL DISTRICT
MONTGOMERY COUNTY
VIRGINIA

COMMONWEALTH OF VIRGINIA
ROBERT C. BOLLES, JR.
No. 1952
LAND SURVEYOR

This is to certify that on 4/20/94 I made an accurate field survey of the premises shown hereon; that all improvements and easements known or visible are shown hereon; that there are no encroachments by improvements either from adjoining premises, or from subject premises upon adjoining premises, other than shown hereon.

PROJECT No.S-7025

.DWG

Draper Aden Associates
CONSULTING ENGINEERS/SURVEYORS
2206 SOUTH MAIN STREET
BLACKSBURG, VIRGINIA 24060

REVISIONS:	DATE: 4/20/94	SCALE: 1" = 100'
	DRAWN: TLH	CHECKED: RCB
	PROJECT No. S-7025	

INDE D

SPLAT.DWG

CE-7(A)
Rev. 9/90

Land Use Permit Application No. 48084 211-00725

Commonwealth of Virginia Department of Transportation

APPLICATION is hereby made for permit as shown on the accompanying plan or sketch and as described below. Said work and or activity (s) will be done under and in accordance with the rules and regulations of the Commonwealth Transportation Board of Virginia, in so far as said rules are applicable thereto and any agreement between the parties hereinbefore referred to. Where applicable agreements may be attached and made a part of the permit assembly including any cost responsibilities covering work under permit. Applicant agrees to maintain work in a manner as approved upon its completion. Applicant also hereby agrees and is bound and held responsible to the owner for any and all damages to any other installations already in place as a result of work covered by resulting permit. Applicants to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board members of the Board, the Commonwealth, and all Commonwealth employees, agents, and officers, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit. In consideration of the issuance of a permit the applicant agrees to waive for itself, successors in interest or assigns any entitlements it may otherwise have or have hereafter under the Uniform Relocation and Assistant Act of 1972 as amended in the event the Department or its successor, chooses to exercise its acknowledged right to demand or cause the removal of any or all fixtures, personalty of whatever kind or description that may hereafter be located, should this application be approved.

Applicant: **TYPE OR PRINT CLEARLY**

Darrell C. Dorn
Owner

Meadowbrook Gardens
Agent

X8 1575 Thomas Lane
Address

Blacksburg VA 24060
City State Zip Code

54-1809027
Social Security Number or Tax ID Number

(540) 961-6259
Phone Number

Darrell Dorn
Contact Person

(540) 961-3191
Fax Number

The estimated cost of this work is $ 2500.00

Filing date 20 September 1999

Permit term needed 180 days

Total fees enclosed $ 40.00

Method of Payment Check X Coupons ___ M.O. ___
Other (Specify) ___

Surety Information:

Name National Bank of Blacksburg

Amount $ 2500.00

Account # 95730205

Obligation Amount $ 2500

Bond ___ LC X Resolution ___ Ord. ___ Check ___ Not Applicable ___

Request Permission: To perform the following work and/or activity (s): Develop a commercial access entrance at the address listed above.

as per attached plans.

Location: Tax Map Number ___ Permittee Job No. ___
Geographically in County/Town/City of Blacksburg/Montgomery County on Highway Route(s) Rt. 737
between 0.2 mile off of Prices Fork Road and ___

Signature of applicant or agent [signature] Date 9/20/99
Title Owner

All applicable items on this form must be completed before your request can be considered. Recheck information furnished to avoid delay. Prepayment Required - make Remittance payable to Virginia Department of Transportation.

VDOT USE ONLY

Receipt is hereby acknowledged of CHECK ___, COUPON ___, M.O. ___, OTHER (Specify) ___, in the amount of $ ___ (Permit Fee $ ___ CASH SURETY $ ___)

Signed [signature] VDOT

White Copy to Central Office Pink Copy to Residency Office Blue Copy to District Office Yellow Copy to Applicant

CE-7(P)
Rev. 11-91

211-00725

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION
LAND USE PERMIT

Permit No. 211-00725

PERMITTEE

Owner Meadowbrook Gardens

Address 1575 Thomas Lane
City, State & Zip Blacksburg, VA 24060

Effective Date 10/04/99
Expiration Date 04/01/00
Total Fees Rcvd 40.00
Method Payment Check # 1797

Surety Information:

Name National Bank of Blacksburg
Amount 2500.00
Account # LC1462-725
Obligation Amount 2500.00
Type of Surety Letter of Credit

Social Security or Tax ID # 54-1809027

Phone # 540-961-6259
Contact Darrell C. Dorn
Fax # 540-961-3191

AUTHORIZATION: In compliance with your application number 48084, permission is hereby given insofar as the Commonwealth Transportation Board has the right, power, and authority under sections 33.1 - 12(3); 33.1 - 197; 33.1 - 198 and 9 - 6.1 of the Code of Virginia (1950) as amended, to grant by Special Agreement and/or by Land Use Permit for you to perform the work and or activity(s) described below:

Install and maintain a commercial entrance on Rt. 737 in Montgomery County.
See attachments for dimensions and pavement design.

Location: Tax Map Number **Permittee Job #**

Geographically in County/Town/City of MONTGOMERY **on Highway Route(s)** 737

Between 746 **and** 1276

TERMS: Applicable as stated within the Land Use Permit Manual (current edition) and/or as per approved plan(s) and/or regulatory instructions and/or agreements attached hereto. THIS PERMIT IS NOT VALID WITHOUT ATTACHMENTS.

Attachments: **Plans-Yes** **Agreements-No** **Regulation Forms-Yes** **Special Instructions-No**

COMMONWEALTH TRANSPORTATION BOARD
CHARLES D. NOTTINGHAM, ACTING, COMMISSIONER

By: Scott Stanley **Date:** 10/04/99

Typed Name and Title Scott Stanley or John Jones, Highway Permits and Subd. Spec. Sr.

FINAL INSPECTION REQUIREMENTS: Upon Completion of the work and/or activities described under this permit, the permittee shall contact the Resident Engineer's office in writing to request inspection.

Permittee copy

VIRGINIA DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISION FOR
107A - EROSION AND SILTATION ENFORCEMENT

March 11, 1999

SECTION 107 – LEGAL RELATIONS AND RESPONSIBILITY TO THE PUBLIC of the Specifications is amended as follows:

Section 107.14(a) Erosion and Siltation of the Specifications is replaced by the following:

(a) **Erosion and Siltation:** The Contractor shall exercise every reasonable precaution, including temporary and permanent measures, throughout the duration of the project to control erosion and prevent siltation of adjacent lands, rivers, streams, wetlands, lakes, and impoundments. Siltation control measures shall be applied to erodible material exposed by any activity associated with construction, including clearing and grubbing, but not limited to local material sources, stockpiles, disposal areas, and haul roads.

The Contractor shall comply with the requirements of Section 301.02 of the Specifications. Should the Contractor as a result of negligence or noncompliance leave an area exposed more than 15-days, the cost of temporary seeding and or mulching shall be at Contractor's own expense. If the delay is due to circumstances beyond the Contractor's control, the Department will be responsible for the expense.

Temporary measures shall be coordinated with work to ensure effective, and continuous erosion and siltation control. Permanent erosion control measures and drainage facilities shall be installed as the work progresses.

The Contractor shall have, within the limits of the project, an employee certified by the Department of Conservation and Recreation in Erosion and Sediment Control who shall inspect erosion and siltation control devices and measures for proper installation and deficiencies immediately after each rainfall, at least daily during prolonged rainfall, and weekly when no rainfall event occurs. Deficiencies shall be corrected immediately. Failure on the part of the Contractor to maintain appropriate erosion and siltation control devices in a functioning condition may result in the Engineer notifying the Contractor in writing of specific deficiencies. If the Contractor fails to correct or take appropriate actions to correct the specified deficiencies within 24-hours after receipt of such notification, the Department may do one or more of the following, require the Contractor to suspend work in other areas and concentrate efforts toward correcting the specified deficiencies, hold progress estimates, or proceed to correct the specified deficiencies and deduct the entire cost of such work from monies due the Contractor. Failure of the Contractor to maintain a certified Erosion and Sediment Control employee within the limits of the project will result in the Engineer suspending work related to any land disturbing activity until such time as a certified Erosion and Sediment Control employee is present on the project.

Section 107.14(b)1. Water of the Specifications is amended to include the following:

Construction operations near rivers, streams, or impoundments may be subject to water quality permit jurisdiction. Clearing and grubbing within 100-feet of the limits of ordinary high water will not be permitted until authorized by the Engineer. Once started, work in a jurisdictional area shall be continuously prosecuted until completed.

211-00725

MP-250
(REV.6/98)

COMMONWEALTH *of* VIRGINIA

DEPARTMENT OF TRANSPORTATION

- SPECIAL NOTICE OF PERMITTEE LIABILITY -

*The following liability provisions are applicable by attachment to **ALL** VDOT Land Use, Tree Trimming, and/or Spraying Permits issued.*

(1) Permittee acceptance and use of a VDOT permit is prima facie evidence that the permittee has read and is fully cognizant of all required permit provisions, applicable traffic control plans and associated construction standards to be employed. All applicants to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board, members of the Board, the Commonwealth, and all commonwealth employees, agents, and officers, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law.

(2) Safety - permittee shall at all times give strict attention to the safety and rights of the traveling public, his employees and himself. Failure to employ proper traffic control and construction standards mandated by permit shall be cause for the Resident Engineer or his representative to order the permittee off the right of way and/or be cause for revocation of permit.

(3) Permittee agrees to secure and carry insurance against liability for personal injury and property damage that may arise from the work performed under permit and/or from the operation of permitted activity-up to one million dollars ($1,000,000) each occurrence to protect the Board Members and Department's agents or employees; seventy-five thousand dollars ($75,000) each occurrence to protect the Board, Department, or the Commonwealth in event of suit.

*(4) The permittee is required to notify "Miss Utility" or each operator of underground utility where no notification center exists of any planned excavation. This notification must be provided at least **48 hours** - excluding weekends and holidays - before the start of planned excavation. Failure to carry out this requirement may result in this permit being revoked.*

(5) The permittee is required to notify the local VDOT Residency Office or permit office, or District Traffic Engineering Section when planned excavation is in the vicinity of a signalized intersection. Failure to carry out this requirement may result in the permit being revoked.

2.033 "AS BUILT" PLANS

The utility and/or developer shall maintain in their local or central office, accurate "as built" plans and profiles of all work completed under permit and make such records available to Department personnel upon request.

2.040 REVOCABLE PERMITS

A permit may be denied to any applicant, and all permits issued by the State Highway and Transportation Commission may be revoked whenever, in the opinion of the State Highway Commissioner, the safety, use or maintenance of the highway so requires.

2.050 DEPARTMENT'S RIGHT TO STOP WORK

The Department reserves the right to stop the work at any time if the terms of the permit are not satisfactorily complied with, and the Department may, at its discretion, complete any of the work covered in the permit at the expense of the permittee. If it is in the best interest of traffic safety, the Department then may complete or have completed at the expense of the permittee any of the work that must be done to properly protect the traveling public.

2.060 WORK TO BE PERFORMED TO SATISFACTION OF DEPARTMENT

All work done under this permit on the right of way shall in all respects, including locations, alignment, elevation and grade, manner of performing the work, restoration of conditions, etc., be subject to Department directions and shall be done to the satisfaction of the Department's Resident Engineer or his representative.

2.070 CORRECTION OF HAZARDOUS CONDITIONS

The permittee shall immediately have corrected any conditions which may arise as a result of these installations that the inspector or engineer deem hazardous to the traveling public or State maintenance forces even though such conditions may not be specifically covered in these special provisions or in the Land Use Permit Manual.

2.080 EXCAVATION

No excavated material is to be placed on the pavement without written permission of the Department's Resident Engineer, and then only for a limited period of time. When so permitted, the pavement shall be satisfactorily cleaned by an approved method. No cleated equipment is to be used on the pavement without proper protection to the pavement. The work shall be constructed in such a manner that no water, mud, or debris will drain or be tracked onto the roadway. Erosion and siltation control shall be provided in accordance with Virginia Department of Transportation Road and Bridge Specifications (current editions). Where extended work prevails, the permittee will be required to cleanup as the work progresses. The permittee shall see that dusty conditions are kept to a minimum at all times, either by addition or water or calcium chloride.

2.090 UNSATISFACTORY PERFORMANCE OF WORK

The permittee agrees that if the work authorized by this permit, including any work necessary to restore shoulders, ditches and drainage structures to their original condition, is not completed by the applicant to the satisfaction of the Resident Engineer, the Department will do whatever is required to restore the area within the right of way to Department Standards, and the Permittee will pay to the State the actual cost of completing the work.

2.160 RESPONSIBILITY TO PROCURE ALL NECESSARY PERMITS, ETC.

The permittee, or developer, shall procure all additional governmental permits and licenses, pay all charges, fees and taxes, give all notices necessary and incidental to the due and lawful prosecution of this work. The permittee, or developer, shall determine the applicability of other permits in performance of this work, and shall secure such permits as may be required and submit the permit for examination upon request by the Department.

2.170 NOTIFICATION WORK STARTING

Prior to starting work covered under this permit the permittee shall notify the Resident Engineer 48 hours in advance.

2.180 NOTIFICATION WORK COMPLETED

Upon completion of the work under this permit, the permittee shall notify the Resident Engineer by letter giving the permit number, county, route and name of the party or parties to whom the permit was issued. (Form MP-232 shall be used for this purpose; also, see section 1.090 of the and Use Permit Manual.)

2.190 COMPLYING WITH DEPARTMENT'S REQUIREMENTS

Any additional provisions or Department Standards for entrances, traffic control, construction techniques, material requirements, etc., shall be applicable to this permit and the permittee shall make himself aware of these requirements and comply with same when performing the work covered under this permit, including but not limited to the Department's "Minimum Standards of Entrances to State Highways", "Road Designs and Standards", and "Road and Bridges Specifications" (current editions).

2.200 TREE TRIMMING AND/OR TREE REMOVAL

No tree trimming or tree removal shall be permitted in connection with the permit unless a tree-trimming permit (Form TT) is completed and is attached to and made a part of the permit application and processed as one permit. The permit fee and the guarantee fees for the regular permit should include the tree work involved. Where landscape is disturbed on State right of way, it shall be reseeded according to State specifications.

The application for tree trimming will normally be inspected by the District Environmental Coordinator and approved or denied by the District Engineer.

Such application that involves tree removal and special or unusual cases involving tree trimming must be forwarded to the Permit Manager to be reviewed by the Maintenance Division, the Environmental Quality Division and others as may be concerned, and approved by the Environmental Quality Engineer.

Permits shall not be granted for removing tree or grading on the right of way of the Interstate System or on the limited access portions of the arterial network and other systems, or otherwise changing their appearance, except in circumstances where such work would improve the appearance, safety or operation of such highways. (See Highway Commission Resolutions dated 7-15-65 and 10-25-73.)

A tree trimming permit application is not needed when the cutting or trimming of trees is required in conjunction with utility relocation work performed under all types of utility relocation agreements.

211-00725

VIRGINIA DEPARTMENT OF TRANSPORTATION

TRAFFIC CONTROL

All traffic control signs and devices must strictly adhere to the **January, 1996,**

VIRGINIA WORK AREA PROTECTION MANUAL.

VIRGINIA DEPARTMENT OF TRANSPORTATION

METHODS OF FLAGGING TRAFFIC

WHERE TO STAND

1. Stand facing traffic either on the edge of the shoulder of the road or in the barricaded lane, just outside of the traffic lane.
2. Stand 200 to 300 feet from the end of the work area, so as to be able to guard personnel or equipment. (Less spacing may be necessary in areas where conditions warrant.)
3. Stand where you can see and be seen by approaching traffic. The distance should be at least 500 feet.
4. Flagging stations shall be preceded by proper advance warning signs. Signs shall be removed when the flagger is no longer at his station. At night, flagging stations shall be adequately illuminated.

HOW TO STOP TRAFFIC

1. Stand facing traffic but keep out of the traffic lane.
2. (a) With a Paddle--Hold the STOP sign paddle in a stationary position with the arm extended horizontally away from the body. The free arm shall be raised with the palm toward traffic.

   (b) With a Flag--Hold the staff in a horizontal position across the traffic lane. The free arm shall be raised with the palm of the hand toward approaching traffic.
3. If time permits, drivers may be informed concerning the reason for delay. Be courteous and brief. For example, "Patching a hole, please drive on the left."

HOW TO MOVE TRAFFIC

1. (a) With a Paddle--Stand facing traffic. Hold the SLOW sign paddle in a stationary position with the arm extended horizontally away from the body.

   (b) With a Flag--Stand parallel to traffic movement. Lower the flag behind the flagger and motion traffic to proceed with the free hand.
2. Never use a paddle or flag to signal traffic to move ahead.

HOW TO ALERT AND SLOW TRAFFIC BUT NOT STOP IT

1. Stand facing traffic.
2. (a) With a Paddle--Hold the SLOW sign paddle in a stationary position with the arm extended horizontally away from the body. For added emphasis, the flagger may raise and lower the free hand with the palm down.

   (b) With a Flag--Stand parallel to traffic movement. Lower the flag in front of the flagger and slowly motion up and down with the free hand, palm down.

NEVER WAVE A PADDLE OR FLAG

1. Signals must be clear and distant.
2. Use hand signals with devices. Don't make drivers guess what they should do.
3. Never wave a paddle or flag to stop traffic or for it to proceed.

6. Have you applied for jurisdiction zoning and land use approvals from the county or town where applicable?

_____ Yes _____ No Zoning Case number _____.

BUSINESS INFORMATION (DO NOT COMPLETE BUSINESS SECTION IF SINGLE RESIDENCE.)

7. Describe the type of business operation to be engaged: Retail landscape nursery and greenhouse

8. Size of land parcel being developed is 6.5 acres or _____ square feet.

9. Size of building(s) in square feet is _____ or _____ acres.

10. Size of parking lot is _____ acres or _____ square feet; number of parking spaces is _____.

11. Number of business employees working at this facility is 10.

12. Number of daily patrons to facility is projected to be _____

13. Total number of peak hour vehicles is projected to be _____ V.P.H./Entrance No. 1
_____ V.P.H./Entrance No. 2
_____ V.P.H./Entrance No. 3
_____ V.P.H./Entrance No. 4
_____ Total for "ALL"

GEOGRAPHICAL CONDITIONS AT POINT OF ENTRANCE - Number 1

14. The speed limit on the highway to be entered is 25 mph.

15. The "sight distances" to the left and to the right of the proposed entrance as will be observed by a seated automobile driver is as follows:

Right vision is _____ feet.
Left vision is _____ feet.

16. Can sight distances be improved? _____ Yes _____ No

If "Yes", please explain methodology _____

17. The fronting highway is _____ divided _____ undivided.

18. If "divided," what is the location of the nearest crossover in each direction?

19. Does the fronting highway have curb and gutter? _____ Yes _____ No