

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: April 9, 2012

SUBJECT: AGENDA REPORT



I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.
1. Project # 2012-008
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. NRV Community College Board
 2. NRV Economic Development Alliance
 3. Library Board

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. PUBLIC ADDRESS

VIII. ADDENDUM

IX. INTO WORK SESSION

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Department of Social Services PRIDE Position Request
2. FY 2013 Budget

X. OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

XI. OLD BUSINESS

A. SUBJECT: FOREST HILLS OF BELVIEW

PROPOSED ORDINANCE:

ORD-FY-12-00

AN ORDINANCE AMENDING THE CONCEPT PLAN AND PROFFER STATEMENT PREVIOUSLY APPROVED (ORD-FY-07-23) FOR 17.927 ACRES ZONED RESIDENTIAL MULTI-FAMILY (RM-1) LOCATED ON THE NORTH SIDE OF PEPPERS FERRY ROAD (RT 114) ACROSS FROM BELVIEW ELEMENTARY SCHOOL IN THE PRICES FORK MAGISTERIAL DISTRICT AND IDENTIFIED AS TAX MAP PARCEL NOS. 64-A-42 (ACCT # 017168) FOREST HILLS AT BELVIEW, LP

BE IT ORDAINED By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning, concept plan amendments and proffer amendments are in compliance with the Comprehensive Plan and meet the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore approves the request to amend a concept plan and proffer statement previously approved on March 5, 2007 (ORD-FY-07-23) for 17.927 acres of land zoned Residential Multi-Family (RM-1) to allow single-family attached residential dwellings. This approval is made subject to the following proffered conditions:

1. The property proposed for RM-1 zoning will only be utilized for single-family attached residential use.
2. A maximum density of no more than 4.0 per acre will be permitted.
3. Property shall be developed in substantial conformance with the conceptual plan by Balzer and Associates, Inc. dated February 26, 2007.
4. Site shall be served by Montgomery County Public Service Authority public water and sanitary sewer.
5. An entrance permit from VDoT shall be obtained prior to issuance of building permits for this development.
6. A detailed site plan/subdivision plan in conformance with zoning ordinance requirements shall be submitted and approved by the zoning administrator and all other necessary local and state agencies prior to issuance of building permits for this development.
7. All pedestrian walking trails will be paved and have a width of five feet. At the time of approval and construction of a controlled crosswalk across Pepper's Ferry Road, Forest Hills at Belview will construct a 5' asphalt trail or sidewalk parallel to the emergency access road. This section of trail or sidewalk will connect to the trail system installed during the initial construction of the Forest Hills development. Trail system shall conform to the Trail Master Plan by Balzer & Associates, Inc. dated March 16, 2012.

Trail legend as shown on the Trail Master Plan is as follows: Red Trails are the trails to be removed from the original concept plan. Blue Trails are the trails and sidewalks to be constructed during the initial construction phase of the project. Green Trails are the trails or sidewalks to be constructed at the time of construction of the controlled Pepper's Ferry Road crosswalk.

8. A tot lot with playground equipment approximately 24' width x 16' length will be constructed within the active recreation area.
9. Stormwater management will be proposed on the west side of the property. The discharge rates will be designed as requested by the Montgomery County Engineer to 60% of the predevelopment 2-year and 10-year design storm runoff.
10. No individual trash receptacles shall be stored where visible from Peppers Ferry Road. Community dumpsters will be provided and screened on all four sides.
11. Buildings shall be in substantial conformance with the elevations submitted December 1, 2006.
12. The Forest Hills property management company shall maintain all grounds, including but not limited to grass areas, recreational areas, parking and paved areas, and stormwater management area.
13. Since a village plan has not been adopted by Montgomery County for Belview, the developer will pledge \$35,000.00, payable upon issuance of first building permit, for future improvements directly associated with the subject property determined during the development of the Belview Village Plan.
14. A 6' privacy fence will be installed along the east and west property lines north of the future right-of-way to the south edge of the remaining open space.
15. An emergency vehicle access drive will be designed along the eastern most pedestrian trail, to allow emergency vehicle circulation from the site to the emergency access road.
16. A 6' x 12' covered school bus shelter will be provided near the eastern property line of the development.
17. Road improvements and turn lanes will be designed per VDOT requirements.

The property is located north side of Peppers Ferry Road (SR 114) across from Belview Elementary School and is identified as Tax Parcel Nos. 64-A 42 (Acct # 017168) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Mixed Use and Medium Density Residential within the Belview Village Plan.

This application was commenced upon the application of Forest Hills at Belview, LP. (Agent: Balzer & Associates, Inc.)

This ordinance shall take effect upon adoption.

ISSUE/PURPOSE: Amendment to Proffered Conditions and Master Plan.

JUSTIFICATION: After the Planning Commission recommended denial of the request, the applicant proposed additional proffer amendments with an amended plan entitled "Trail Master Plan", dated March 16, 2012 prepared by Balzer and Associates. New language is found in proffer #7 of the "Forest Hills Rezoning Proffer Statement". In addition to removing the trails designated in red and installing new trails/sidewalk shown in blue, the applicant has now committed to the construction of a 5' asphalt trail or sidewalk parallel to the emergency access road which will connect the internal "Forest Hills at Belview" sidewalks/trails to the proposed controlled crosswalk across Peppers Ferry Road. See TAB A for a copy of the map.

XII. NEW BUSINESS

A. **SUBJECT: APPROVE PURCHASE AND ACCEPTANCE OF RIGHT-OF-WAY, DRAINAGE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ASSOCIATED WITH NEW AUBURN HIGH SCHOOL CONSTRUCTION PROJECT**

R-FY-12-

RESOLUTION APPROVING THE PURCHASE AND ACCEPTANCE OF RIGHT-OF-WAY, A DRAINAGE EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT FROM EXPRESS MARKET, INC. ASSOCIATED WITH THE NEW AUBURN HIGH SCHOOL CONSTRUCTION PROJECT

WHEREAS, The County needs to acquire additional right-of-way, a temporary construction easement and a drainage easement on Tax Map Parcels 119-(A)-68E and 68G owned by Express Market, Inc. for the new Auburn High School construction project; and

WHEREAS, In consideration of the sum of Six Thousand, Three Hundred Sixty-Six Dollars (\$6,366.00) Express Market, Inc. has agreed to convey to the County 0.068 ac. of additional right-of-way, a Twenty (20') Foot variable width Drainage Easement and a variable width Temporary Construction Easement on a portion of Tax Parcels 119-(A)-68E and 68 G; and

WHEREAS, The Board of Supervisors hereby agrees to pay Express Market, Inc., Six Thousand Three Hundred Sixty-Six Dollars (\$6,366.00) for the additional right-of-way, the variable width drainage easement and the variable

width temporary construction easement and further agrees to authorize the Chair, James Politis, to accept the conveyances on behalf of the County of Montgomery.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to pay Express Market, Inc., Six Thousand, Three Hundred Sixty-Six Dollars (\$6,366.00) as consideration for the conveyance of 0.068 ac. of additional right-of-way, a Twenty (20') Foot variable width Drainage Easement and a variable width Temporary Construction Easement on a portion of Tax Parcels 119-(A)-68E and 68G for the new Auburn High School Construction Project; and

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby agrees to authorize the Chair, James Politis, to sign the Deed conveying the said property interests to the County for the sole purpose of accepting the conveyances on behalf of the County of Montgomery, Virginia.

ISSUE/PURPOSE: Approve the purchase and acceptance of right-of-way, drainage easement and temporary construction easement associated with the new Auburn High School Construction Project, and authorize the Chair to accept conveyance.

JUSTIFICATION: The County needs to acquire additional right-of-way, a temporary construction easement and a drainage easement on property owned by Express Market, Inc., for the new Auburn High School construction project. See TAB B for a copy of the deed.

B. SUBJECT: APPROVE PURCHASE AND ACCEPTANCE OF TEMPORARY CONSTRUCTION EASEMENT ASSOCIATED WITH NEW AUBURN HIGH SCHOOL CONSTRUCTION PROJECT

**R-FY-12 -
RESOLUTION APPROVING THE PURCHASE AND ACCEPTANCE
OF A TEMPORARY CONSTRUCTION EASEMENT
FROM EXPRESS MARKET, INC. ASSOCIATED WITH
THE NEW AUBURN HIGH SCHOOL CONSTRUCTION PROJECT**

WHEREAS, The County needs to acquire a temporary construction easement on Tax Map Parcel 119-(A)-75 owned by Express Market, Inc. for the new Auburn High School construction project; and

WHEREAS, In consideration of the sum of Six Hundred Twenty-Four Dollars (\$624.00) Express Market, Inc. has agreed to convey to the County a Temporary Construction Easement on a portion of Tax Parcel 119-(A)-75; and

WHEREAS, The Board of Supervisors hereby agrees to pay Express Market, Inc., Six Hundred Twenty-Four Dollars (\$624.00) for the temporary construction easement and further agrees to authorize the Chair, James Politis, to accept the conveyance on behalf of the County of Montgomery.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to pay Express Market, Inc., Six Hundred Twenty-Four Dollars (\$624.00) as consideration for the conveyance of a Temporary Construction Easement on a portion of Tax Parcel 119-(A)-75 for the new Auburn High School Construction Project; and

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby agrees to authorize the Chair, James Politis, to sign the Deed conveying the said temporary construction easement to the County for the sole purpose of accepting the conveyance on behalf of the County of Montgomery, Virginia.

ISSUE/PURPOSE: Approve the purchase and acceptance of
A temporary construction easement association with
the new Auburn High School construction project
and authorize the Chair to accept the conveyance
on behalf of the County.

JUSTIFICATION: The County needs to acquire a temporary
Construction easement on property owned by
Express Market, Inc. for the new Auburn High
School construction project. See TAB C for a
copy of the deed.

XIII. COUNTY ATTORNEY'S REPORT

XIV. COUNTY ADMINISTRATOR'S REPORT

1. Smart Road Open House (TAB D)

XV. BOARD MEMBERS' REPORT

1. Supervisor Biggs
2. Supervisor Perkins
3. Supervisor Creed
4. Supervisor Gabriele
5. Supervisor Tuck
6. Supervisor Brown
7. Supervisor Politis

XVI. OTHER BUSINESS

XVII. ADJOURNMENT

FUTURE MEETINGS

Special Meeting
Monday, April 16, 2012
6:00 p.m.

Adjourned Meeting
Monday, April 23, 2012
6:00 p.m. Closed Meeting
7:00 p.m. Regular Meeting