

MONTGOMERY COUNTY PLANNING COMMISSION
October 9, 2013 @ 7:00 P.M.
Board Room, Government Center, 755 Roanoke Street, Christiansburg, VA

AGENDA

CALL TO ORDER:

DETERMINATION OF A QUORUM:

APPROVAL OF AGENDA:

APPROVAL OF CONSENT AGENDA:

PUBLIC ADDRESS:

PUBLIC HEARING:

1. Request by SHAH Development, LLC (Agent: Gay and Neel, Inc.) to rezone approximately 8.01 acres from Agricultural (A-1) to Multiple Family Residential (RM-1), with possible proffered conditions, to allow 64 multi-family residential dwellings (townhomes). The property is located 5201 Tango Lane; identified as Tax Parcel Nos. 060-1-A, (Account Nos. 070690) in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Mixed Use within the Elliston/Lafayette Village Plan.
 - a) Staff Presentation (Brea Hopkins)
 - b) Applicant Presentation
 - c) Public Comment
 - d) Discussion/Action
2. An ordinance to renew Agricultural and Forestal District #7 (Wilson/Den Creek) which is generally located in the central portion of Montgomery County and is in the vicinity of Ellett Rd. (Rt. 723) and Den Hill Rd. (Rt. 641). Currently, AFD 7 consists of 9 property owners and approximately 2564.1 acres. The proposed new district would consist of approximately 9 property owners and 2862.9 acres.
 - a) Staff Presentation (Brea Hopkins)
 - b) Public Comment
 - c) Discussion/Action
3. An ordinance to renew Agricultural and Forestal District #9 (Elliston/Pedlar Hills) which is generally located in the western portion of Montgomery County and is in the vicinity of Roanoke Rd (Rt. 11/460) and Senecca Hollow Rd. (Rt. 636). This district is currently under review for another eight year term. Currently, AFD 9 consists of 18 property owners and approximately 4792 acres. The proposed new district would consist of approximately 14 property owners and 4688.117 acres.
 - a) Staff Presentation (Brea Hopkins)
 - b) Public Comment
 - c) Discussion/Action

4. An ordinance to renew Agricultural and Forestal District #10 (Mount Tabor) which is generally located in the northern portion of Montgomery County west of the Town of Blacksburg and is in the vicinity of Mount Tabor Rd (Rt. 624) and Bishop Rd. (Rt. 648). Currently, AFD 10 consists of 16 property owners and approximately 893.95 acres. The proposed new district would consist of approximately 16 property owners and 915.28 acres. (The AFD Advisory Committee has recommended this district be combined with AFD #2 and renewed for a six (6) year term.)
 - a) Staff Presentation (Brea Hopkins)
 - b) Public Comment
 - c) Discussion/Action

OLD BUSINESS:

NEW BUSINESS:

- Villas at Cherry Lane preliminary and final plat review

WORK SESSION:

LIAISON REPORTS:

- Board of Supervisors- Chris Tuck
- Agriculture & Forestal District- Joel Donahue
- Blacksburg Planning Commission – Coy Allen
- Christiansburg Planning Commission – Cindy Disney
- Economic Development Committee – Bryan Rice
- Public Service Authority – Joel Donahue
- Parks & Recreation – Scott Kroll
- Radford Planning Commission – Frank Lau
- School Board – Bryan Katz
- Tourism Council – Vacant
- Planning **Director's Report**- Steven Sandy

MEETING ADJOURNED:

UPCOMING MEETINGS:

- | | | |
|------|-------------|---|
| Oct. | 13-15, 2013 | Commonwealth Planning and Zoning Conference, Hotel Roanoke |
| Oct. | 16, 2013 | Planning Commission Site Visit (To be determined)
Planning Commission Regular Meeting (7:00 pm); Multipurpose Room #2 |
| Nov. | 13, 2013 | Planning Commission Public Hearing (7:00 pm); Multipurpose Room #2 |
| Nov. | 20, 2013 | Planning Commission Site Visit (To be determined)
Planning Commission Regular Meeting (To be determined) |
| Dec. | 11, 2013 | Planning Commission Public Hearing (7:00 pm) |

**MONTGOMERY COUNTY PLANNING COMMISSION
CONSENT AGENDA
October 9, 2013**

A. APPROVAL OF MINUTES

- August 14, 2013
- August 21, 2013
- September 11, 2013

ISSUE/PURPOSE:

The above listed minutes are before the Planning Commission for approval.

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON AUGUST 14, 2013
IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG,
VIRGINIA:

CALL TO ORDER:

Mr. Rice, Chair, called the meeting to order.

DETERMINATION OF A QUORUM:

Ms. Disney established the presence of a quorum.

Present: Bryan Rice, Chair
Joel Donahue, Vice-Chair
Cindy W. Disney, Secretary
Coy Allen, Member
Bryan Katz, Member
Scott Kroll, Member
Chris Tuck, Board of Supervisors Liaison
Brea Hopkins, Development Planner
Dari Jenkins, Planning & Zoning Administrator
Erin Puckett, Senior Program Assistant
Steven Sandy, Planning Director
Martin M. McMahon, County Attorney

Absent: None

APPROVAL OF AGENDA:

On a motion by Mr. Donahue, and seconded by Ms. Disney, and unanimously carried the agenda was approved with the addition of liaison appointments under old business and the removal of liaison reports.

PUBLIC ADDRESS:

Mr. Rice opened the public address; however, there being no speakers the public address was closed.

PUBLIC HEARING:

Request by **Anthony R. Graves** to expand meat cutting and processing operations by amending a special use permit, approved on May 14, 2001, that permitted a custom meat cutting and processing operation currently known as Hunters Burden LLC, located on 41.194 acres in

Agricultural (A-1) zoning district. The proposed addition will increase the total area of the building to allow additional space for meat cutting and processing and to allow an attached accessory apartment use. The property is located at 2701 Flatwoods Rd. and is identified as Tax Parcel No. 045-A-33E (Acct # 031845) in the Mount Tabor Magisterial District (District C). The property currently lies in an area designated as Rural in the 2025 Comprehensive Plan.

Mr. Rice introduced the request.

Ms. Jenkins explained that the request was to expand an existing special use permit which would provide additional space for the meat processing operation, as well as a second floor accessory apartment. The original special use permit approved in 2001 limited the size of the building to 1000 square feet, so a new permit is needed for any addition.

Ms. Jenkins went on to discuss past violations on the property, most being cases of the property owner not meeting one of the eight (8) conditions set forth by the approved SUP in 2001. These included burning of animal carcasses, construction of freezer buildings without a permit, and removal of the required vegetative buffer. Ms. Jenkins added that since the notice of violation, these violations have been corrected – the buffer was replanted, freezer buildings were removed, and a six (6) foot privacy fence was erected voluntarily by the applicant. He also had eliminated the burning area.

Ms. Jenkins indicated that the area was zoned agricultural and there appeared to be an existing demand for the meat processing services. She also noted that the new SUP would not require a transportation review. Private well and septic already exist on site. However, if the SUP is amended as requested, she will require that the Virginia Department of Health take a look at the existing system to see if upgrades are needed, especially as the proposed addition will include an accessory dwelling unit. Ms. Jenkins has determined the requested SUP to be in line with the Comprehensive Plan.

Ms. Jenkins added that the orientation of the proposed addition would help to screen customer traffic from neighboring properties. The applicant has assured her that there will be no on-site employees. He also has said that he will need a freezer, should the SUP be approved. Ms. Jenkins has recommended that the applicant work with the Building Official to determine how best to add the residential component to the building. Additionally, site plans and zoning permits will be required if the SUP is approved.

Ms. Jenkins noted that all adjoining property owners have been notified, one of whom requested information on the nature of the application. Another called having seen the notice of public hearing sign, but had no comments.

Ms. Jenkins recommended approval of the requested SUP, with the following conditions:

1. This Special Use Permit (SUP) reauthorizes use of the existing building identified as 2703 Flatwoods Road for custom meat cutting and processing only. No other business use of this structure is allowed. This Special Use Permit also authorizes an expansion of the building to an overall size of approximately 3,600 sq. ft. to be constructed in conformance with the Concept Development Plan, prepared by Highland Surveys P. C., revised June 19, 2013, and in conformance with the building plans included with the application materials depicting an expansion of the business on the first floor and the addition of an accessory dwelling on the second floor.
2. There shall be no retail sales on the property.
3. All processing activities shall be conducted indoors; only loading and unloading of animals shall be conducted outdoors.
4. All waste shall be contained in a leak-proof container and kept in a secure area. Containers shall be collected on a regular basis for proper disposal.

5. There shall be no burning or disposal of animal parts or animal waste of any kind.
6. There shall be no outdoor display or storage.
7. No trash, litter or debris shall accumulate or be stored on the property.
8. Any lighting installed on the property shall be dusk to dawn, shielded fixtures to avoid glare onto adjacent properties and night sky, and shall comply with Montgomery County Zoning Ordinance 10-46(9) Performance Standards.
9. A minimum 15-foot vegetative buffer shall be maintained or replanted with evergreen trees (six (6) feet in height at 12 to 15 ft. spacing) for 100 feet along the property line in the area of the building and proposed expansion as shown on the Concept Development Plan, revised June 19, 2013.
10. The existing six (6) ft. privacy fence shall be maintained along the property line as shown on the Concept Development Plan, revised June 19, 2013.
11. The existing entrance permit shall be reviewed by VDOT to determine whether or not entrance revisions are required prior to approval of the site plan.
12. All septic system and well permits shall be reviewed by Virginia Department of Health (VDH) prior to issuance of building permits for the expansion.
13. Facility shall be inspected as required by the VA Department of Agriculture.

Ms. Jenkins asked for questions.

Mr. Rice asked if meat cutting and/or processing is allowed by right in any zoning district, or if it would always require an SUP.

Ms. Jenkins stated that this would most likely fall under the definition for slaughterhouse and as such would require a SUP in A1 (Agricultural) and M1 (Manufacturing) districts, and would not be allowed by right in any district.

Mr. Rice asked why the original SUP was limited to 1,000 square feet.

Ms. Jenkins said the applicant could answer in more detail, but she believed the building had not yet been built at the time of the SUP request which may have had something to do with it.

Mr. Donahue said he believes the property borders two (2) Agricultural and Forestal Districts (AFDs) and inquired as to their location.

Mr. Sandy indicated on the displayed map that he believed the parcel directly south of the **applicant's parcel and possibly the one across the street were in an AFD.**

Mr. Katz inquired about the existing privacy fence.

Ms. Jenkins said that she does not believe it will be a concern any time soon.

Ms. Disney inquired as to where the septic system was located on the site.

Ms. Jenkins indicated that there are two (2) septic drainfields located close to the existing building. Her concern is that they may not be large enough to serve the proposed addition.

Mr. Kroll said that condition number four (4), which references storage of waste, is somewhat ambiguous in that it says waste should be stored in a secure area but does not specify indoors. He recommended modifying the condition to specify a secure indoor area.

Mr. Katz added that this may need to be clarified further to specify processing waste.

Mr. Kroll also asked about the nature of the existing waste burning area and whether it was an incinerator.

Ms. Jenkins indicated that it was just a small area on the ground.

Mr. Kroll asked about the volume of animals processed, especially during peak times. He also asked about the smoker shown on the floor plan, noting that smoke and odor may be of concern to neighbors. He inquired as to the frequency and nature of its use during the busy season and if the impact on adjacent property owners had been considered.

Ms. Jenkins said that the applicant would need to answer those questions.

There being no further questions or comments, Mr. Rice asked the applicant to speak.

Mr. Graves first expressed his appreciation to the Commissioners for hearing his request. He then noted that, to answer the previous question about the size limitation of the original approved SUP, he initially did not request more than 1,000 square feet, having not foreseen the need for more space. He noted that in hindsight he would have requested a greater size limit. In regards to the smoker, the applicant explained that it is actually a smoker rotisserie oven, similar to a grill, is electric powered, and puts out a little smoke but not even as much as a campfire.

Mr. Graves next addressed the comments about burning waste on the property, saying that since notice from the DEQ, he has been taking the waste to an off-site disposal facility himself and has removed the fire pit altogether.

Mr. Kroll asked how many animals were processed per season.

Mr. Graves said 450-500 animals are processed per year. He also works with Hunters for the Hungry in the off season. November is the peak season for his business, before and after which time he tends to have more visitors than customers.

Mr. Allen asked if the applicant processed any other animals.

Mr. Graves said he is permitted to process beef, pork, and deer, and pays a facility inspection fee to USDA for this.

Mr. Rice opened the public hearing, but there being no comments, the public hearing was closed.

Mr. Rice opened the issue for discussion among commissioners.

Mr. Kroll said that the business seems like a good service for community, and it appears that previous violation issues have been addressed by the applicant. Mr. Katz voiced his agreement.

Mr. Rice expressed some reservations about the second story accessory dwelling, but remarked that he was in favor of the business.

A motion was made by Mr. Kroll seconded by Mr. Katz to recommend approval of the request by Anthony R. Graves for a Special Use Permit on 41.194 acres in an Agricultural (A-1) zoning district to allow expansion of an existing Special Use Permit that permits a custom meat cutting and processing operation with the conditions as recommended by staff, including the modification to condition number four (4) to specify the type and location of waste.

Ayes: Allen, Disney, Donahue, Katz, Kroll, Rice

Nays: None

Abstain: None

OLD BUSINESS:

Liaison Appointments

Mr. Kroll agreed to be the liaison to Parks and Recreation.

Mr. Sandy said that the Commission should have new appointees next month to fill the remaining vacancies.

NEW BUSINESS:

Ordinance Amendment: Amateur Radio Tower

Ms. Jenkins noted that at the Board of Supervisor's meeting on July 22nd they requested that the Planning Commission determine if amateur radio towers needed to be specifically defined in the ordinance. She reminded the Commission that as per the State Code, amateur radio towers must be allowed up to seventy-five (75) feet in height. **She has looked at several other municipalities' ordinances**, including Blacksburg, which regulates the maximum height to 75 feet, requires a setback equal to the height, and allows them only in rear yards.

Mr. Rice asked how this would impact the ordinance we just passed indicating an antenna cannot be placed on a fixed private pole.

Ms. Jenkins indicated that while an ordinance prohibiting antennae on private flagpoles, etc. was passed, the State code would still take precedent in regards to amateur radio.

Mr. McMahon added that municipalities are still able to restrict amateur radio towers, just not to a height of less than 75 feet. For this reason, we need a definition for this kind of tower/antenna. There also needs to be requirements for where they would be allowed by right. State Code says that reasonable restrictions can be placed on these towers.

Mr. Donahue suggested making amateur radio towers a special exception, and thus a sub-definition under "telecommunication tower".

Mr. McMahon noted that we are still allowed to reasonably restrict them and that they are different than a telecommunications tower.

Mr. Donahue expressed concern that the state does not provide procedural guidance for how to restrict them, and furthermore noted that the State Code implies that localities should not regulate these towers unless absolutely necessary.

Mr. Sandy suggested taking a look at the Blacksburg example, which could guide our potential amendment. It is possible to develop one set of regulations and then determine which districts to allow the towers in.

Mr. Rice asked if someone owned a large property, would they be able to get a SUP for a 200 foot tower; Ms. Jenkins said yes.

Mr. Kroll asked if there had been a specific situation that prompted the Board to want this definition.

Mr. McMahon said that yes, the issue with telecommunication towers trying to circumvent the ordinance led to the realization that a separate definition was needed for amateur radio tower.

Mr. Tuck added that the Board wanted to make sure HAM/amateur radio was not regulated too much, but also ensure that **towers won't** fall on adjoining property, etc.

Mr. Allen **said that Blacksburg's ordinance seemed like a good starting place.**

Mr. Donahue agreed that Blacksburg has made good start, but having better fall zone definitions/restrictions would allow amateur radio towers to be allowed in all zoning districts. Over-

restricting these towers is a bad idea. He offered to send additional information about amateur radio stations to Mr. Sandy.

Mr. Kroll asked about the reason for guywires requiring setbacks.

Mr. Sandy noted that just like any other use requiring setbacks, it was mostly for safety reasons.

Mr. Kroll asked if it would be possible to bring an expert in for next week's meeting.

Mr. Donahue offered to look into that and provide some contact information to Mr. Sandy.

Mr. Sandy stated that staff would do some additional research on the topic and draft some ideas based on the Blacksburg example for review on August 21st.

Ordinance Amendment: Park and Ride Lot

Ms. Jenkins was contacted by Donna Sawyers regarding construction of a park and ride lot to be associated with her bus operation. The parcel is zoned Industrial, which would allow a park and ride lot by right, but the ordinance definition restricts its use to commuters only. Ms. Sawyers hoped to offer vacation and shopping trips, and is requesting that the definition be changed.

Mr. Kroll wanted to know if this definition applied to VDOT lots.

Ms. Jenkins indicated that those cannot be regulated.

Mr. Kroll asked if we have non-state owned park and ride lots in the county.

Mr. Sandy said he knows of at least one at Exit 114.

Mr. Katz asked if what Ms. Sawyers is proposing would just be a normal parking lot due to the use.

Mr. Kroll said that under the current definition, it would seem that this is just a commercial lot, rather than a commuter lot. He further stated **that one person's request should not be** reason to change a definition; a broader context is needed.

Mr. Katz asked if the proposed lot could be considered an accessory use if the place of business is located elsewhere.

Ms. Jenkins was unsure but said she would ask Mr. McMahon.

Mr. Kroll asked if park and rides are restricted to certain zoning districts.

Ms. Jenkins indicated that they are allowed by right in GB, CB, M-1, and M-L, but must be unlighted in CB.

Mr. Kroll said that he would consider this a **commercial lot since it is part of someone's business.**

Ms. Jenkins said that the issue is there are no buildings related to the business on the site; it would only be a lot.

Mr. McMahon stated that the reason for defining park and ride was to allow it as its own use (rather than an accessory) by right in some areas.

Mr. Kroll suggested that maybe we need a definition for satellite parking instead.

Mr. McMahon reminded the Commission that the zoning ordinance is restrictive; hence, if a use is not spelled out, nobody can do it.

Mr. Donahue suggested that this requires a subcategory to the existing definition for short-term and long-term parking.

Mr. Rice asked if it wouldn't be easier just to expand the park and ride definition.

Mr. Katz suggested just removing "to and from place of work".

Mr. Donahue agreed, and said that a sub-definition should be included specifically for overnight parking.

Mr. Katz asked if overnight parking could be restricted under the existing regulations, and would there be issues with people arriving in the middle of the night.

Ms. Jenkins said that overnight parking was not currently restricted. There could be issues with bus noise late at night.

Mr. Sandy noted that part of the issue was that the proposed Sawyers lot was across the street from a residential area.

Mr. Kroll suggested possibly allowing day parking by right and overnight parking by special use. He asked that staff look at what others are doing and come back with more information.

Mr. Sandy stated that staff would research the issue further and provide additional information and recommendations for review on August 21st.

Ordinance Amendments: Annual Review

Ms. Jenkins discussed seven proposed ordinance amendments based on changes to the Code of Virginia. These included the following:

An amendment to Section 10-54(1)(d)(1) to require the Planning Commission to inform military installations of development that may impact them. This is relevant due to the proximity of the Radford Army Ammunition Plant (RAAP).

An amendment to Section 10-41(2A)(1) and (9) to allow occupancy by a married couple, and to extend the time by which a temporary family health care structure must be removed after it is no longer in use, from 30 to 60 days.

An amendment to Section 10-43(5)(a) to add cemeteries to the uses requiring the planting of trees such that ten (10) percent tree canopy is provided within ten (10) years.

A possible amendment to Section 10-51(5) to include new State Code regulations for e-participation in meetings.

An amendment to Section 10-51(5)(b) to clarify BZA voting requirements.

A multi-part amendment to Section 10-55 to amend certain BZA processes.

The Commission agreed with the majority of these changes, with the exception of the recommended e-participation change to Section 10-51. Mr. McMahon stated that he would not recommend this particular amendment as it would be covered by State Code anyway. The Commission agreed.

Ms. Jenkins described another ordinance amendment to address a mistake found in the ordinance in which temporary sawmill is listed as both a by right and special use permit use in C-1 districts. The special use case should be changed to sawmill (implying that it is permanent).

The Commission agreed that this change should be made.

Comprehensive Plan Amendment Discussion

Mr. Sandy stated that two proposals for comprehensive plan amendments had been received one of which was just received today. Amendment requests are only accepted twice a year in February and August.

Mr. Sandy said that the former Prices Fork Elementary School property currently has a future land use designation of Civic. Since the property will no longer be a school and is now up for sale, the County

is proposing changing the future land use to Mixed Use to better match the surrounding area. There are four (4) criteria for a comprehensive plan amendment, and only one needs to be met to justify the change. In this case, certain conditions have changed since the last comprehensive plan update, since it is no longer a school, and since the County hopes to sell the property there is no reason to keep the Civic designation. Should the Commission decide to schedule the hearing, a sample resolution is included in the packet.

Mr. Kroll asked if there is any downside to this change.

Mr. Sandy explained that the Mixed Use designation is actually more inclusive and so will not prevent a civic use. Since the property is zoned A-1, any future rezoning would still need to come to the Planning Commission and the Board for review.

Mr. Sandy described the second request, which applies to the former Elliston-Lafayette Elementary School site. SHAH Development has just purchased the property at auction, and it has a future land use designation of Planned Industrial/Commercial. SHAH wants to build residential units on this property, and is requesting a future land use change to Medium Density Residential. Furthermore, it may be worth looking at changing the designation for all nearby properties in the area (bounded by North Fork Road, 460, and the railroad), as they all currently have residential uses on them.

Mr. Kroll asked if this meant they would still need to apply for a rezoning to put in residential units.

Mr. Sandy indicated that yes, they would need to apply; the land use change would just make rezoning easier.

Mr. Kroll said that this seems different than the Prices Fork property scenario because adjacent areas are a future land use of Industrial/Commercial.

Mr. Rice asked if staff would be alerting the other property owners whose land is being considered for the change.

Mr. Sandy said that staff can let them know by letter.

Mr. Rice said this would be a good idea as it would allow adjoining property owners to give input as to whether they want the change before an official public hearing.

Mr. Kroll expressed concern as to the potential issues caused by a residential property surrounded by industrial/commercial.

Mr. Sandy said that the Commission could advertise a hearing to potentially change all of those properties but then would not have to recommend changing them all based on public hearing feedback, or staff can send letters to affected property owners and see what response we get before we advertise for public hearing.

Mr. Donahue suggested that if it was not necessary to schedule this request for a September hearing, to only schedule the Prices Fork change at this time.

On a motion by Mr. Donahue and seconded by Ms. Disney and unanimously carried, the resolution to schedule a public hearing to amend the Comprehensive Plan for the **Old Price's Fork Elementary School Property** from Civic to Mixed Use was approved.

Mr. Katz asked if buyers know the stipulations regarding these properties when they purchase them?

Mr. Tuck said that they buy the property as is, which is made clear.

Mr. Sandy clarified that the Prices Fork property will be sold contingent on the proposed change (and will not go through auction), whereas the Elliston property has already been sold at auction.

Mr. Kroll asked if at the next meeting staff could provide additional information about the Elliston site for further discussion.

Mr. Sandy said that staff will proceed with sending letters to affected property owners and the Commission will not have to advertise for public hearing right away.

Mr. Donahue moved to table the discussion and Mr. Kroll seconded.

Mr. Kroll asked for further clarification, asking if a rezoning or SUP request is not consistent with the comprehensive plan, then is that basis for denial.

Mr. Sandy said yes, but it is not necessarily a deal breaker.

Mr. Rice explained that the comprehensive plan amendment would come first, then the rezoning request

Mr. McMahon added that if a rezoning is not in line with the comprehensive plan, it would be considered arbitrary and capricious and could open up more issues.

Mr. Sandy stated that a letter would go out before the end of the week. They would then be able to call or write in their concerns and/or attend the meeting on August 21st.

There being no further business the meeting was adjourned at 9:43 pm.

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON AUGUST 21, 2013
IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG,
VIRGINIA:

CALL TO ORDER:

Mr. Rice, Chair, called the meeting to order.

DETERMINATION OF A QUORUM:

Mr. Donahue established the presence of a quorum.

Present: Bryan Rice, Chair
 Joel Donahue, Vice-Chair
 Coy Allen, Member
 Bryan Katz, Member
 Scott Kroll, Member
 Chris Tuck, Board of Supervisors Liaison
 Brea Hopkins, Development Planner
 Dari Jenkins, Planning & Zoning Administrator
 Erin Puckett, Senior Program Assistant
 Steven Sandy, Planning Director

Absent: Cindy W. Disney, Secretary

APPROVAL OF AGENDA:

On a motion by Mr. Donahue, and seconded by Mr. Katz, and unanimously carried the agenda was approved with a modification to move approval of the consent agenda to just before the Work Session.

PUBLIC ADDRESS:

Mr. Rice opened the public address.

Jack Reed (6120 North Fork Road) said that his mother had received the letter regarding the potential Elliston comprehensive plan amendment. He explained that he did not want his property to be rezoned, although he would not have an issue with the former school property being rezoned.

Mr. Rice explained that this change would only affect the future land use map, not the actual zoning of the properties.

Mr. Reed said that he did not have an issue with the change in future land use designation.

There being no further comments the public address was closed.

DELEGATION:

Ms. Craigie, President of the American Radio Relay League (ARRL) spoke to the prevalence and importance of amateur radio, particularly in Montgomery County. ARRL does much community-oriented work that is in the public interest, such as assisting with emergency broadcasts. She further discussed the legislation that limits local regulation of amateur radio towers.

Ms. Craigie further recommended, based on the proposed ordinance amendments regarding amateur radio towers, that the regulations expand upon the allowable pole colors to include black, as this is often less noticeable than the natural metal colors. She also said that she had spoken with Christopher Inlay, a communications lawyer in DC and ARRL member, who would be happy to offer some guidance regarding the wordage to be used in the ordinance amendments. She can provide his contact information to the Planning Commission and/or staff.

Mr. Rice asked if any of the Commissioners had questions for Ms. Craigie.

Mr. Kroll first thanked the speaker for coming, and asked about the 75 foot regulation, if that height was generally within reasonable parameters for amateur radio.

Ms. Craigie said that while 75 feet is normally fine, in general higher is better.

Mr. Allen asked for confirmation that the 75 foot limit comes from the State Code.

Mr. Donahue explained that 75 feet or less is allowed but the County could allow greater height through a special use permit. Towers must be limited to 200 feet maximum to prevent interference with aviation.

Ms. Craigie went on to explain how amateur radio operators are licensed through FCC through a series of exams and at three different levels.

Mr. Kroll asked if there are specific practices used in erecting towers for amateur radio, as the State **Code has a reference to "reasonable practices for engineering"**

Ms. Craigie said that this depends on the tower but generally there are recommendations provided by the tower manufacturer.

Mr. Katz noted that the exams for amateur radio licensure are difficult and should ensure that not just anyone is installing or using these facilities.

Ms. Craigie agreed and said that her organization also provides all of the technical and safety information.

Mr. Allen asked if towers are often constructed by amateur radio operators.

Ms. Craigie affirmed that they do often erect towers or install antennae themselves.

Mr. Allen brought up the concern of towers potentially falling on adjoining properties/buildings.

Ms. Craigie said that this is a factor of the quality of the engineering and installation. Furthermore, a guy tower is designed to collapse in on itself. In rare occasions that a tower falls, it usually falls on the **property where it's located. It is in the installer's interest that the tower remains secure.**

OLD BUSINESS:

Zoning Ordinance Amendments

Ms. Jenkins recapped the discussion from the August 14 Planning Commission meeting. The Board of Supervisors has asked the Planning Commission to amend the way in which the County ordinance addresses amateur radio towers. On August 14, the Commission discussed possible amendments.

State code does allow some regulation of amateur radio towers. With this in mind, staff have developed a definition and regulations for amateur radio towers.

Ms. Jenkins read the following proposed definition: "Amateur Radio Tower: A structure on which an antenna is installed for the purpose of transmitting and receiving amateur radio signals erected and operated by an amateur radio operator licensed by the FCC." She also recommended adding amateur radio tower as a by right use to zoning districts A1, C1, RR, R1, R2, and R3.

Ms. Jenkins also recommended an addition to Section 10-41 of some basic requirements for amateur radio towers, including a maximum height limitation of 75 feet, setbacks equal to the height of the tower, location limited to side and rear lots, natural color, etc. She then asked if the Commissioners had any questions.

Mr. Rice asked for clarification as to the recommended color or finish.

Mr. Donahue suggested changing it to neutral or matte black. He also stated that he would like to see these towers allowed in all zoning districts by right, and the setbacks reduced.

Ms. Jenkins explained that the proposed changes are an attempt to allow some leeway without making neighbors uncomfortable or unsafe.

Mr. Donahue said that as a professional engineer, he believes that a non-guyed tower may need a fall radius equal to its height, but the setbacks for guy towers should be reduced as they do not need as large of a fall radius.

Mr. Rice stated that even in the case of a guy tower, we don't want any 75 foot high tower near someone else's house.

Mr. Donahue said that Blacksburg's ordinance the tower must be set back a distance equal to its height from buildings, not property lines. What is being proposed here is more restrictive.

Ms. Jenkins explained that there are often other limitations on a lot that restrict where structures can be located. Overall, it is easier to measure setbacks from parcel boundaries than from structures.

Mr. Donahue asked if a setback is really necessary for a guy structure.

Mr. Katz suggested that it may be possible to adjust these requirements under a SUP if there was justification for it.

Ms. Jenkins explained that staff have received many complaints over the years when people locate structures (not just towers) too close to neighbors. Practically, the setback needs to be from the property line, as with any other construction. We want to allow towers but also need to realize that not everyone sees them in a positive light, so there is a need to balance those towers with some mitigating measures for affected property owners.

Mr. Donahue suggested adding "maintained" to the definition, to read "erected, operated, and maintained by an amateur radio operator..."

Mr. Kroll asked what would happen to the tower if the owner moves.

Ms. Craigie said that this depends on the situation. In some cases people dismantle and move or sell the tower. **Furthermore, she asked to address the color issue again, saying that simply "dark color" may be better than "natural metal color", as this would allow dark green or black.**

Mr. Donahue said that "nonreflecting dark color" would be better, and furthermore that towers need to be maintained by people who know what they're doing so should be removed when those people relocate.

Mr. Rice asked about including in the proposed standards section of the ordinance that unused towers must be removed after three months/90 days.

Mr. Donahue asked what would happen if someone loses their license or retires. Someone licensed needs to be maintaining the tower, but maybe another licensed individual who does not live at or own the property could maintain it.

Mr. Katz said that he thinks once the tower fails to be used, it should come down. He also asked what **would happen if the owner's** license lapses. There needs to be a reasonable timeframe in place to become relicensed.

Mr. Rice and **Mr. Allen agreed that simply adding the word "maintained"** to the definition should solve the problem.

Mr. Katz expressed concern that the definition implied towers needed to be erected by licensed individuals but this may be done by an outside firm. Furthermore, he suggested that GB be included in the list of zoning districts where they are allowed by right.

Mr. Allen said that due to a generally greater density in commercial areas, the setback distances may prevent towers there.

Mr. Kroll asked if any amateur tower over 75 feet would be a commercial tower, and if so, would a SUP be required for a 200 foot tower, even if it was for amateur radio.

Mr. Sandy confirmed that under the proposed regulations only those towers 75 feet or less would be considered an amateur radio tower and anything else would need an SUP.

Mr. Katz asked why amateur radio towers would not be allowed in CB zones.

Mr. Sandy answered that there is no objection to including other zoning districts where it is a by right use. The greater concern is with having these towers in a zone like multiple family residential. He stated that we could allow these towers by right in all districts other than PMR, TND, TND infill, and RM-1.

Mr. Katz asked why the ordinance should not allow towers in front yards if someone has a huge property. Mr. Donahue agreed, and asked if towers could be allowed in front yards such that they meet the fall radius requirements.

Mr. Sandy reminded the Commission that Blacksburg does not allow front or side placement of these towers. While it may seem alright in some areas, a tower in a front yard in a residential area may cause issues.

Mr. Katz asked if an applicant could apply for a SUP to place a tower in a front yard.

Mr. Sandy said that they could potentially apply for a variance, under certain circumstances, i.e., if the topography of the lot would not allow it elsewhere. That would be a case for the BZA.

Mr. Donahue requested that the explanation of when and how to apply for a variance be included in **the "amateur radio tower" definition.**

Mr. Sandy said that we probably cannot legally include that in the definition, and it would only apply in unique situations.

Mr. Rice asked the Commission about how they would like to change the part of the definition that describes the required finish/color.

Mr. Donahue suggested changing it to "non-reflecting dark finish".

Mr. Kroll asked if there needed to be some kind of provisions regarding the design, installation, etc. of towers, which would require customary engineering practices.

Mr. Donahue said that because this is in the State Code already, there is no need to duplicate that here.

Mr. Sandy suggested that after the Commission makes any changes to the proposed ordinance amendment, staff could potentially send this to the ARRL General Counsel in DC prior to the public hearing.

Mr. Tuck asked if Ms. Craigie and the other amateur radio experts may want to come back for a future **Board of Supervisors'** meeting.

Ms. Jenkins recapped the discussion from August 14 regarding ordinance amendments for park and ride lots.

Ms. Jenkins explained that staff had researched how other municipalities are defining park and ride lots, and had also looked at VDOT's definition which is more inclusive. Otherwise, there were not many **examples to indicate how to manage noise and light disruptions versus safety of the lot's users**, etc. Loudoun County allows commuter lots of fifty (50) spaces or less by right in most districts, with more than fifty (50) spaces requiring an SUP. A similar restriction may be useful for this particular situation, in which the proposed lot is near a dense residential area. There may be light and noise impacts, but the ability of residents to walk to the lot could also be a good thing.

Ms. Jenkins provided recommendations, including modifying the existing definition to be more inclusive, limiting the by right park and ride lots to 50 spaces or less in most zoning districts, and requiring a SUP for larger lots. A few districts, specifically residential ones, would require a SUP for any size park and ride lot. Furthermore, a section should be added to regulate these lots, which would exempt them from coverage requirements but hold them to the yard requirements of the districts. They would also require certain landscaping and paving, as with any regular parking lot. Ms. Jenkins asked for any comments.

Mr. Katz pointed out that motorcycles and all vans should be included in the definition. He asked if buses should also be included. He believes that commuter vans and buses should be allowed to park there.

Ms. Jenkins said that allowing buses to park there may turn these into storage lots.

Mr. **Allen said that commuters only should be using the lots for "parking" and this should not affect collector vehicles.**

Mr. Rice agreed, saying that buses should really only be loading or unloading there, and stored elsewhere.

Mr. Sandy agreed, adding that personal vans driven by commuters could park, but buses and/or other large vehicles used for transporting commuters to and from their destinations should only be picking up at those lots.

Mr. Katz asked why lighting is required for these lots.

Ms. Jenkins explained that this was for the safety of commuters travelling after dark. Furthermore, the zoning ordinance already limits the direction and brightness of outdoor lighting.

Mr. Donahue asked how large the existing Falling Branch lot is.

Mr. Sandy said that it is probably 50 spaces or less. The proposed size limitation is just a starting point, and can be changed.

Mr. Katz asked if someone wanted to put, for example, a 49-space lot on their property to service **Virginia Tech football attendees, couldn't that be done by right under the proposed changes? Having all park and ride lots allowed under special use permit may be better.**

Mr. Tuck asked if the Commission might table the ordinance amendment discussion so that those wishing to address the Commission regarding the proposed Elliston future land use change could speak.

Mr. Rice agreed and asked the Commission to move on to the comprehensive plan discussion.

Comprehensive Plan Update

Mr. Sandy recapped the requested comprehensive plan amendment discussed at the August 14 meeting for the former Elliston-Lafayette Elementary School (ELES). Since then, letters were sent to the six (6) property owners who may also have an opportunity for a future land use change should the ELES property be changed. Staff received one phone call asking for more information. Mr. Sandy reminded the Commission and attendees that the request was only to change the future land use, not the zoning of the parcel, which would remain A-1 unless the applicant applies for rezoning. Currently the surrounding properties are primarily single-family residential, with one property including a small commercial operation allowed by SUP. It is located directly to the west of the ELES property, owned by Mr. Melton.

Mr. Sandy explained that the County had auctioned off this site, and the new owners requested the land use change so that they can rezone to RM-1. Comprehensive plan changes can only occur twice a year (February and August). This particular area falls within the Elliston Village Plan last changed in 2012.

Mr. Kroll asked what was located in the nearby high density residential area.

Mr. Sandy said that it is a mobile home park.

Mr. Allen explained to the property owners in attendance that a request has been submitted to change the future land use of the ELES property, but the Commission wants feedback from other property owners as to whether they would want their land use designation to also be changed.

Mr. Sandy further explained that the comprehensive plan is only a guideline and suggests general characteristics for future development. If this property were changed to medium density residential, it could have a combination of residential uses, walkable design, parks, public/civic uses, etc. As light industrial/commercial, this could include light industry, offices, research, business parks, and would be buffered from surrounding less intensive uses and have transportation links. The Village Plan suggests approximately four (4) residential units per acre, but under the zoning ordinance, this could be up to eight (8). A multifamily zoning designation could allow up to twelve (12) units per acre.

Mr. Sandy asked for questions or comments.

Mr. Rice asked if it was permissible to change the comprehensive plan designation for just one parcel. In other words, if surrounding property owners did not want the change, would it prevent a future land use change for the ELES property?

Mr. Sandy said no, the change could occur on the ELES property only. In addition, the Commission does not have to limit a future land use change to specifically what the applicant has asked for. An alternative, for example, could be to change the future land use to mixed-use, which may fit better with the surrounding uses and future land use designations.

Mr. Rice asked if the applicant could still potentially construct medium density residential units if in a mixed-use future land use designation.

Mr. Sandy confirmed that yes, this would still be possible, and in fact may give more flexibility.

Mr. Donahue commented that since the mixed-use designation does not include light industrial, it is more restrictive than the existing future land use designation.

Mr. Sandy clarified that mixed-use is less intensive but not necessarily more restrictive as it allows for a greater mix of uses. He added that he believes the Commission has 90 days to determine a recommendation.

Mr. Rice asked if the land use was changed on all seven (7) parcels, if this would limit those other **property owners' ability to rezone in the future. For example, if the future land use was changed to residential, wouldn't it be harder to rezone to a commercial district?**

Mr. Sandy said that the Board would ultimately have approval and would make that decision, but in such a case, a rezoning that went against the future land use would probably not be approved.

Mr. Kroll commented that the whole point of the comprehensive plan is to guide future development decisions. He asked for the reasoning behind changing the future land use to Industrial/Commercial.

Mr. Sandy explained that the future land use changes in this area were due primarily to the potential intermodal facility.

Mr. Kroll asked what changes have occurred since then to justify the change in land use.

Mr. Sandy said that currently, the uncertainty of the intermodal facility and the sale of the school property were two changes that had occurred that may lessen the need for industrial land use in the future.

Mr. Donahue suggested scheduling the public hearing now and determining the details later.

Mr. Rice said that the Commission should still let the public comment tonight before passing the resolution to schedule the hearing.

On a motion by Mr. Donahue and seconded by Mr. Allen and unanimously carried, the Commission agreed to allow comments from the adjoining property owners in attendance.

Marlene Taylor (6105 North Fork Road) spoke on behalf of the property owners in attendance. She is not one of the six (6) neighbors whose land may be up for a land use change, but those neighbors have expressed concern to her that they do not want their property rezoned and they would like the chance to speak to someone about it.

Mr. Rice assured Ms. Taylor and others in attendance that this would not change **anyone's zoning**. SHAH is requesting a change in future land use designation.

Ms. Taylor said that all of her neighbors wish to stay in an A-1 zoning district. She expressed a concern that if the school site is changed to a residential land use, she wants to make sure that her neighbors could still rezone to commercial or another zoning class should someone be interested in buying the land for that purpose.

Mr. Rice explained that under the current A-1 zoning, commercial uses would not be allowed, but a future land use designation of industrial/commercial would make it easier to rezone to a commercial designation.

Ms. Taylor asked if the applicant could put in low-income housing if the land use is changed, and if so, at what point would surrounding property owners would be able to fight such a development? She asked if this would also require a special permit.

Mr. Sandy clarified that the applicant would need to apply for a rezoning and/or a special use permit, at which time there would be public hearings and adjoining property owners would receive letters.

Mr. Allen further clarified that this discussion is simply an attempt to determine if these property owners would like to have their future land use changed since otherwise the ELES property splits the area in half.

Ms. Taylor said that the property owners do not want any change, and furthermore, are concerned about the prospective of low-income housing in the area, as they do not wish for their property values to drop.

Mr. Rice said that SHAH would have to apply for a rezoning to put in any residential use, at which time there should be an indication of the type of housing to be constructed.

Mr. Albert Carrier (9820 Roanoke Road) lives at one of the properties adjacent to ELES. He expressed a desire not to have his land use changed to medium density residential.

Jack Reed (6120 North Fork Road) said that he would prefer a land use of mixed use as opposed to medium density residential. He feels that the existing light industrial/commercial designation, or a mixed use designation, would provide more opportunities for development and be better for property values.

Mr. Rice asked Mr. Reed if the ELES site were changed to a future land use of mixed use, would he want his property to be included or to stay the same.

Mr. Reed said that he would prefer for all parcels to go to mixed use.

Mr. Donahue asked Mr. Reed how he felt about staying light industrial/commercial.

Mr. Reed likes the existing designation because he feels it presents an opportunity for a large purchaser to buy everyone out for a large industrial use. The nearby railroad and I-81 access supports this as well.

Mr. Donahue commented that it would be best to either change all seven (7) parcels or leave them all as is, rather than reassigning one.

Mr. Katz asked of the Commission decides to leave the land use designation as is, would it need to go to public hearing at all.

Mr. Sandy said that no, the Commission would then recommend that the Board leave it as is instead of recommending a public hearing.

Mr. Dubois (9694 Roanoke Road) commented that he would prefer to leave all parcels designated as they are, and that this may also be best for the County as a whole.

Mr. Rice asked if there were further public comments.

Mr. Donahue moved to deny the request and Mr. Katz seconded.

Mr. Kroll commented that he would prefer for the applicant to have a chance to present their request for the change, in order to be fair.

Mr. Rice asked if the Commission had to act on this matter tonight.

Mr. Sandy said that no, this was not an official application, so no action was currently required.

Mr. Katz added that this request would not negate a request for rezoning in the future, but the **Commission should avoid "spot planning"**.

Mr. Kroll and Mr. Allen expressed a desire to hear from both sides before making any decisions.

Mr. Kroll further inquired as to the process for comprehensive plan amendments.

Mr. Tuck reviewed the amendment policy and clarified that a public hearing would still be required.

Mr. Donahue motioned to withdraw his motion to deny; Mr. Katz seconded.

On a motion by Mr. Donahue and seconded by Mr. Katz and unanimously carried, the resolution to schedule a public hearing for the ELES comprehensive plan amendment request with surrounding parcels included was approved.

Mr. Rice explained to attendees that the hearing will occur at the Planning Commission meeting on September 11.

Mr. Sandy added that this will be advertised in the paper and staff can mail notices to the affected property owners.

Mr. Katz added that those concerned could provide comments in writing to the Planning Department if they cannot attend the meeting.

On a motion by Mr. Katz and seconded by Mr. Allen and unanimously carried, the agenda was further changed to move on to the work session.

WORK SESSION:

Mr. Sandy introduced the new iGIS website and noted that it will be revealed to the public shortly. He asked Bob Pearsall to demonstrate the new site.

Mr. Pearsall demonstrated the new iGIS portal and explained the features of the new site, including its ability to integrate with the Land Development Office software used by staff to enter and update applications and permits.

Mr. Sandy further explained how the integration with LDO works. Letters to property owners will also now include a QR code that when scanned takes them directly to the parcel on iGIS. There will also be integration with Facebook and Twitter, and will also have a chat feature.

Mr. Allen asked if staff would be policing the Facebook and Twitter accounts.

Mr. Pearsall indicated that Mrs. Hopkins and Ms. Puckett would be doing so.

Mr. Donahue asked how up to date the current iGIS site is.

Mr. Pearsall indicated that the site shows active permits only.

Mrs. Hopkins added that currently they only included those on which some activity had occurred in the last two weeks.

Mr. Pearsall explained that the site was very new and the database would build slowly based on activity.

Mr. Sandy added that if anyone knows a good chat program, please let staff know as that aspect is still in flux.

Mr. Kroll asked if the chat would become public record.

Mr. Sandy said that this could be a consideration as chats should be able to be saved. Social media **and the chat feature can also be removed at a later time if they don't seem to work well.**

Mr. Sandy stated that he would like to defer the further discussion of work session items on the agenda to a future meeting.

Mr. Donahue motioned that the Commission return to the ordinance amendment discussion; Mr. Kroll seconded.

Old Business, Cont'd.

Ms. Jenkins continued the park and ride ordinance amendment discussion.

Mr. Kroll asked if there was any way to determine how many spaces were in existing local park and ride lots. He noted that the fifty (50) space limit seems arbitrary. An indication of other lot sizes may help to inform this.

Ms. Jenkins said that this may be available through VDOT.

Mr. Donahue asked if park and ride lots were allowed by right in any area of the County.

Ms. Jenkins said they are currently allowed by right in CB, GB, ML, M-1, PIN, and PUD-COM districts.

Mr. Katz asked if the lots could just be allowed by special use in all districts except those already allowing them by right.

Mr. Rice commented that requiring the lots to meet setbacks may solve some of this issue without requiring a SUP in all situations.

Mr. Donahue said that he believes anything larger than ten (10) spaces could cause issues.

Mr. Katz said that A-1 should not allow any size park and ride by right; Mr. Rice agreed.

Mr. Sandy agreed that A-1 and C-1 would be removed as districts in which they would be allowed by right.

Mr. Donahue said that requiring lots to meet district setbacks is too restrictive. So long as a VDOT right of way exists, there is no need to restrict these lots further.

Mr. Katz suggested that an applicant could always apply for a variance if setbacks could not reasonably be met.

Mr. Sandy said that the more important question is where these lots should go. These lots are rarely constructed anyway.

Mr. Donahue added that on small lots, it would be hard for a park and ride of any substantial size to meet the landscaping requirements anyway.

Mr. Rice suggested putting the park and ride amendments on the consent agenda to schedule the issue for public hearing in September.

It was the consensus of the Commission to add this item to the consent agenda.

APPROVAL OF CONSENT AGENDA:

On a motion by Mr. Donahue, and seconded by Mr. Katz, and unanimously carried the consent agenda was approved.

Mr. Kroll abstained from approval of the July 10 minutes, as he was not in attendance.

NEW BUSINESS:

None

LIAISON REPORTS:

Board of Supervisors: Mr. Tuck did not have anything to report from the Board meeting, but mentioned that he had seen the previously discussed flag pole at the Brush Mountain mobile home park that is being used as a telecommunications tower. He asked if this was legal to which Ms. Jenkins said that yes, because this was the tower that initiated the recent changes to the telecommunications tower ordinance.

Agriculture & Forestal District: No report.

Blacksburg Planning Commission: Mr. Allen said that the Blacksburg Commission voted to approve the new rescue squad building. Two additional properties in the Town are being sold, one of which will become student housing.

Christiansburg Planning Commission: No report.

Economic Development Committee: No report.

Public Service Authority: No report.

Parks & Recreation: No report.

Radford Planning Commission: No report.

School Board: Mr. Katz said that the students had been readmitted and the Board voted to pay the bills. They were expecting a permit for temporary occupancy for the Blacksburg High School.

Tourism Council: No report.

Planning Director's Report: Mr. Sandy told the Commission about the upcoming Planning and Zoning conference in Roanoke on October 13-15. If anyone would like to attend he asked them to let staff know. Mr. Kroll asked for staff to please send that information via email.

Mr. Sandy added that the next Certified Planning Commissioner Course would be in Blacksburg in January. The Commission should also consider having a joint meeting with the Blacksburg Planning Commission, as was done last year.

Mr. Kroll asked what the purpose of a joint meeting would be.

Mr. Sandy said that it could be useful to get the two commissions together. It could be an opportunity to discuss some of the vacant land in the County also. It would take the place of a regular County Planning Commission meeting.

There being no further business the meeting was adjourned at 10:25 pm.

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON SEPTEMBER 11, 2013 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Rice, Chair, called the meeting to order.

DETERMINATION OF A QUORUM:

Ms. Disney established the presence of a quorum.

Present: Bryan Rice, Chair
Joel Donahue, Vice-Chair
Cindy W. Disney, Secretary
Coy Allen, Member
Bryan Katz, Member
Scott Kroll, Member
Frank Lau, Member
Chris Tuck, Board of Supervisors Liaison
Brea Hopkins, Development Planner
Dari Jenkins, Planning & Zoning Administrator
Erin Puckett, Senior Program Assistant
Steven Sandy, Planning Director

Absent: Sonia Hirt, Member

APPROVAL OF AGENDA:

On a motion by Mr. Lau, and seconded by Mr. Allen, and unanimously carried the agenda was approved.

PUBLIC ADDRESS:

Mr. Rice opened the public address. However, there being no comments the public address was closed.

PUBLIC HEARING:

1. Request by Cary Hopper (Agent: Gay and Neel, Inc.) to rezone approximately 1.606 acres from Agricultural (A-1) to Multiple Family Residential (RM-1), with possible proffered conditions, to allow two multifamily dwelling units in the form of one duplex and one triplex. The property is located 1534 Gallimore Street; identified as Tax Parcel Nos. 090-C 2 5C and 090-C 2 5A, (Account Nos. 130812 and 070735) in the Riner Magisterial District (District D). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Medium Density Residential within the Riner Village Plan with a proposed gross density of four (4) dwelling units per acre.

Mrs. Hopkins showed the location of the site on Radford Road. The floodway and flood zone intersect the northern portion of the property but the development will be outside of the flood area except for possibly a gravel drive. The request is for the rezoning of 1.6 acres total, across two (2) adjoining parcels. A new duplex is proposed on the northern lot, and a triplex is proposed in the existing building on the adjoining lot.

The surrounding area has a mix of sizes and types of uses and are generally zoned A-1. The parcels located across Radford Road from the site are zoned GB.

Mrs. Hopkins explained that in 1999 building and zoning permits were issued to allow a daycare associated with the existing church on the site. The church was later abandoned but the daycare remained. The daycare was later illegally renovated as residential units, which were later foreclosed on. The applicant bought the property under the impression that he was purchasing a triplex, then called the planning office and was informed it was an illegal use.

Mrs. Hopkins stated that VDOT had already determined that a commercial entrance would not be required for the proposed use; the existing entrance may be used but some asphalt may need to be removed as it is in the right-of-way. Site distance should also be indicated on site plans. The existing structure is served by PSA, as confirmed in a letter from Bob Fronk. An agreement to address maintenance responsibilities of the sewer lines will be required as a condition of the rezoning; the connection for the duplex unit has not yet been proffered. A letter from the County Schools indicated a potential for three (3) new students from this development, and asked that the impact on local schools be considered by the Planning Commission. During the plan review meeting, Neal Turner with Emergency Services expressed concerns with emergency access; however, the applicant has indicated on the concept plan that the gravel drive will be extended to the rear of the duplex.

Mrs. Hopkins further stated that the site has a future land use designation of Village Expansion/Medium Density Residential in the Comprehensive Plan. Single family homes, duplexes, and triplexes all fit in with the character of the surrounding neighborhood. The applicant has proffered a condition setting a maximum of five (5) residential units. Mrs. Hopkins said that she considers this to be in line with the Comprehensive and Village Plan.

Mrs. Hopkins states that adjoining property owners have been notified. Staff did receive two (2) calls. One of these was from a nearby duplex owner who wanted to discuss partnering to rezone his property as well. A second call was from the residents across Blair Street who expressed an opinion that they would be fine with any residential construction other than a trailer park. Mrs. Hopkins also read the list of proffers included in the application.

Mr. Kroll asked about the concept plan included in the packet, which did not appear to include the updated proffers.

Mrs. Hopkins confirmed that the applicant will need an updated proffer statement with a new date.

Mr. Rice invited Mr. Neel, agent for the owner, to come forward and speak about the request.

Mr. Neel, Gay and Neel, stated that Mr. Hopper's goal is to simply make the property useable for what he thought he was purchasing when he initially bought the property. He considers this to be a fairly light use compared to what would be allowed normally in a RM-1 zoning district. **Mr. Hopper's intended use will improve the property, as it is currently very run down. Proper management and new tenants will increase the site's curb appeal and benefit the County.**

Mr. Rice opened the floor up to any public comments, however, there being no comments the public hearing was closed. Mr. Rice then opened the issue to the Commission for discussion and action.

Mr. Kroll commented that he saw no issue with the application, provided a new proffer statement was issued, and moved for approval. The other Commissioners agreed.

A motion was made by Mr. Kroll and seconded by Mr. Donahue to recommend approval of the request by Cary Hopper for a rezoning of 1.606 acres from A-1 to RM-1, with proffered conditions, to allow two multifamily dwelling units in the form of one duplex and one triplex. The proffered conditions are as follows:

1. The Property will be developed substantially in accordance with the Conceptual Layout prepared by Gay & Neel, dated August 1st, 2013 (the "Concept Development Plan").
2. No more than 5 residential dwelling units shall be constructed on the Property.

3. Access to the existing building proposed for multi-family use shall be via the existing entrance on Gallimore Street. Access to the proposed two-family building shall be a proposed private driveway off of Blair Street. No access shall be proposed or allowed directly from Route 11. All improvements shall be at the sole expense of the developer.
4. The proposed development will preserve existing vegetation to the greatest extent possible. Proposed buffer yard shall be in conformance with the requirements of the zoning ordinance and shall be installed prior to the issuance of a certificate of occupancy. Existing vegetation can be credited towards the buffer requirements. Buffer shall not impede sight distance at the proposed or existing entrance.

Ayes: Allen, Disney, Donahue, Katz, Kroll, Lau, Rice

Nays: None

Abstain: None

2. Request by SHAH Development, LLC (Agent: Gay and Neel, Inc.) for an amendment to the Montgomery County 2025 Comprehensive Plan to change the policy map designation of approximately 8 acres of the former Elliston-Lafayette Elementary School property located at 5201 Tango Lane and further identified as Tax Map No. 060-1-A (Parcel ID 070690) from Planned Light Industrial/Commercial to Medium Density Residential or Mixed Use. Adjacent properties may also be considered.

Mr. Sandy explained that the site in question is approximately eight (8) acres and was a former elementary school. It was recently sold at auction and purchased by SHAH Development, LLC, who is now requesting an amendment to change the future land use designation to Medium Density Residential from Planned Light Industrial/Commercial. The zoning designation is A1. During the August Planning Commission meetings the Commission and staff discussed the fact that this is a part of an area composed of seven (7) adjoining properties near the Norfolk Southern railroad, and for this reason, all parcels may be considered. However, **this is up to the Commissioners' discretion; the** Planning Commission is not obligated to change the future land use of any of these parcels. The only formal request is specific to the eight (8) acre former school site.

Mr. Sandy explained that the entire area being considered for a policy map change is the school site, the two (2) parcels to the west and the four (4) parcels to the east. This area falls into the land use plan revised by the small area plan/corridor plan revised in 2012. The overall Village Plan includes the area from the Ironto interchange to (and including) Elliston. There are other Mixed Use and Commercial designations in the village area. The most recent change to the Elliston Village Plan was for the new Elliston elementary school.

Mr. Sandy recapped the criteria that allow for a Comprehensive Plan amendment, and explained that the property in question originally had a future land use designation of Civic, as it was a school. The small area plan passed in 2012 changed the future land use to Planned Light Industrial/Commercial. Prior to this corridor plan the surrounding properties were Medium Density Residential, and all are still zoned A-1. Mr. Sandy reminded those in attendance that the current discussion is only in regards to the future land use of the property under consideration. The future land use acts as a guide for the Commission and Board of Supervisors for future rezonings and development. Any change in zoning requires a formal application and public hearings; the request currently in front of the Commission is not changing the zoning of the property.

Mr. Sandy explained that the applicant originally requested that the future land use designation be changed to Medium Density Residential. Staff believes this may be too limiting, in terms of only allowing for one use in the future. Instead, staff recommends changing the designation to Mixed Use, which would give the Commission and Board more discretion in approving or denying future rezoning requests, and which provides more potential opportunities in terms of use.

Mr. Sandy said that he believes there is justification for this requested amendment, as the conditions have changed since the 2012 small area plan update. For one, the school is no longer in operation and the property is no longer owned by the County. In addition, there has been no real direction with the proposed intermodal

facility, and no indication of when or if it will be constructed. Mr. Sandy also explained that this requested Comprehensive Plan change is related to a specific request that is forthcoming which has proposed a 64 townhome development. This would support the Comprehensive Plan goals for housing. For these reasons, Mr. Sandy recommended that the Planning Commission consider allowing a future land use change to Mixed Use.

Mr. Sandy asked for any questions, and noted that Mr. Rutledge from SHAH Development and Mr. Neel from Gay and Neel are also here to answer questions. He also noted that all parcels under consideration for a land use change were sent letters, and that those affected responded with a letter to planning staff yesterday, which was handed out to the Planning Commissioners.

Mr. Lau asked if there is a map of where the potential intermodal facility would be located.

Mr. Sandy indicated on a map the general location of the facility, which would run parallel to 460.

Mr. Kroll asked what the future land use is of the small strip of parcels located to the east of those being considered.

Mr. Sandy said that these are also designated as Planned Light Industrial/Commercial, and are zoned GB, with some adjacent parcels being zoned Residential.

Mr. Rice invited the agent, Mr. Neel, to speak.

Mr. Neel thanked **the Planning Commission for considering his client's request. He explained that after** speaking with Planning Department staff, he and his client are in agreement that a future land use designation of Mixed Use would be fine. He also reiterated the fact that conditions have changed since the last future land use update in 2012, since the property is no longer a school or owned by the County, and since the future of the intermodal facility is more uncertain today than ever.

Mr. Neel further noted that the proposed development could support the Comprehensive Plan goal of infrastructure improvements. SHAH's proposed development would help bring public water and sewer to the area for future development. He also noted that the proposed townhomes, while not detached single-family residences, would still be more in character with the surrounding area than light industrial uses. Due to the location of the site, Mr. Neel believes it could provide an anchor for future commercial and mixed use development. Mr. Neel indicated that more details about the development are in the rezoning application, and Mr. Rutledge would be able to answer any questions.

Mr. Kroll asked if the forthcoming rezoning request is to rezone to RM-1.

Mr. Neel affirmed this.

Mr. Rice thanked Mr. Neel and opened the floor up to public comment.

Jack Reed (6120 North Fork Road) said that his mother's property is located at the corner of routes 603 and 460. He is not in agreement with the proposed future land use change to Mixed Use. If a developer in the future wanted to buy property in that area to put in a fuel center, i.e., for an intermodal facility, it may not be allowed near a medium density residential development. Mr. Reed also expressed a concern that longtime residents in the area may be forced to relocate, and if this is the case, they will need to maximize the value of their property. Mr. Reed expressed his belief that a medium density residential or mixed use development may break up the adjacent properties in a way that is not beneficial to the owners.

Marlene Taylor (6105 North Fork Road) expressed a concern regarding access if 64 new residential units are constructed, as Tango Lane is a small road. She believes that some other access may be needed if the development goes ahead.

Mr. Sandy replied that there will be a specific public hearing at a later date to discuss the rezoning application. However, it is his understanding that SHAH is proposing an entrance off of Route 460.

Mr. Rutledge, project manager for SHAH Development, said that some of these issues being brought up are related to the rezoning, not the current application, which is only for a Comprehensive Plan change. However, in regards to the access question, VDOT has approved a right in/right out entrance on Routes 11 and 460.

This would mean that residents of the townhome development would not need to use Tango Lane. This proposed entrance is only approved for a residential use, and if the use changed at a later time, it would not work for a new use.

Mr. Sandy **repeated that this information will be included in next month's Planning Commission materials.**

There being no further comments, Mr. Rice closed the public hearing and opened the item for discussion and action by the Commission.

Mr. Katz said that he feels there is a lack of a clear future of development in this area. He understands staff's recommendation to change the future land use to Mixed Use because of the flexibility it allows, but even so, he would prefer to change all or none of those parcels under consideration rather than change only one.

Mr. Kroll stated that he **doesn't disagree** with this. He further noted that some of adjacent parcels are small, so the potential for industrial use on those is not great. Commercial uses that support other development may be more likely. He said that he agrees that all parcels should be considered together, but expressed reservations that the future land use should be changed at all because this area just had its policy map amended in 2012 and at that time the Planning Commission had decided on Planned Light Industrial/Commercial for the area. Mr. Kroll stated that even though he understands that conditions have changed somewhat, the school was not in use at the time of the last future land use change, and he has reservations about backtracking on a decision made that recently. Mr. Kroll asked Mr. Sandy to elaborate on the potential use of this property as mixed use, and whether it will diminish the values of property for adjacent owners based on the current future land use designation.

Mr. Sandy noted that the school property was still owned by the County at the time of the last Plan update so the current owner would not have had the opportunity to comment. Mr. Sandy said that a Mixed Use designation will provide more opportunities for development, but he cannot speak to the increased or decreased value of the adjacent properties, as that will depend on what is actually developed there. To that end, a Mixed Use designation would allow a variety of uses. As previously noted, the small size of some of these parcels may not even allow for any industrial use. Mixed Use is more general and may give more options for developing or selling, and this is not a significant change from what exists in the area already.

Mr. Kroll asked if a gas station and/or convenience store would be a compatible use with the proposed townhome development, **to follow up on Mr. Reed's concern.**

Mr. Sandy said that it would be compatible, and that the Planning Commission and Board could look at the aspects of individual development proposals as they come.

Mr. Rice asked if the Commission and Board only change the designation of one parcel, would it hamper the development potential of the other properties remaining in Planned Light Industrial.

Mr. Sandy said that the Commission and Board would still have to consider each individual application. Furthermore, the previously discussed fuel storage facility may not be compatible with residential development, but storage buildings may be. This would be determined on a request by request basis.

Ms. Disney said that she believes there are already storage units in the area.

Mr. Sandy confirmed that there are storage buildings across North Fork Road from the site.

Ms. Disney asked if staff were aware of any potential offers from Norfolk Southern to purchase land in the area at this time.

Mr. Sandy said that he is not aware of any such offer.

Mr. Donahue said that he agrees that this area of small parcels should not be split up into different future land use classes. However, he also pointed out that the letter from Mr. and Mrs. Dubois and the other adjacent property owners makes some good points, in particular, that as a group the parcels could be suited to an industrial use, which would be further supported by the intermodal facility and plans by VDOT to improve North Fork Road. Mr. Donahue added that there are other areas of the County which are already designated as a future land use of Medium Density Residential where a townhome development could be located.

Furthermore, he noted that these seven parcels comprising approximately 22 acres are broken up by the SHAH Development property in the middle. If a developer wished to buy out and improve the area as a whole, a rezoning of the one SHAH property could prevent this.

Mr. Sandy said that he does not disagree with this reasoning, but it may hinge on whether the intermodal facility is ever built, which could happen some years down the line or not at all. At least a change to Mixed Use gives more opportunities for development if that never happens. Furthermore, Mr. Sandy pointed out that access for industrial uses may be an issue. There may be limited commercial and/or industrial entrance possibilities due to sight distance and other issues.

Mr. Donahue said that changing the future land use of one parcel would preclude industrial use even more by changing only one parcel's use.

Mr. Allen said that he sees no logic in splitting the lots up and agrees that they all should all have the same future land use designation. Mr. Allen expressed his opinion that Mixed Use allows for greatest development flexibility and he is in support of this change for all of the parcels.

Mr. Lau agreed, saying that Mixed Use could give an opportunity to more small entrepreneurs, without having to wait for one grand plan that may never come. Mixed Use may increase the economic vitality of the area. Mr. Lau said that he is also in favor of the change to Mixed Use for this reason.

Mr. Katz voiced his agreement, and added that in this particular case we know what's coming next in terms of the proposed rezoning. He suggested that the Commission instead approach this Comprehensive Plan change without considering the upcoming rezoning application, i.e., would the Commission consider a change to a Mixed Use future land use designation if they did not know the specific use to come?

Mr. Katz motioned to approve the future land use change in accordance with the staff recommendation, and including all seven (7) parcels.

A motion was made by Mr. Katz and seconded by Mr. Lau to recommend approval of the request by SHAH Development for a comprehensive plan amendment to change the policy map designation of eight (8) acres identified as Tax Parcel No. 060-1-A (Parcel ID 070690) from Planned Light Industrial/Commercial to Medium Density Residential, and to include the following adjacent six (6) parcels indicated in the staff analysis: Parcel ID Nos. 020467, 020585, 003238, 029253, 015704, and 013183.

Ayes: Allen, Disney, Donahue, Katz, Kroll, Lau, Rice

Nays: None

Abstain: None

Mr. Sandy reminded those in attendance that this application, along with the others presented tonight, will go before the Board of Supervisors on September 23rd.

3. Request by the Montgomery County Planning Commission for an amendment to the 2025 Montgomery County Comprehensive Plan to change the policy map designation of approximately 8.33 acres of the former Prices Fork Elementary School property located at 4237 Prices Fork Road and identified as Tax Map No. 052-A 50 (Parcel ID 070688) from Civic to Mixed Use.

Mr. Sandy explained that this was a former school site, of about eight (8) acres. The County owns the property and is requesting the Comprehensive Plan change as development proposals are currently being reviewed. Mr. Sandy further stated that a change from a future land use designation of Civic to Mixed Use would allow flexibility in development of that property, and may also allow the building itself to be repurposed, although it could also be removed and something built in its place. Currently the zoning designation is A1. The properties on either side already have a future land use designation of Mixed Use, however, at the time that the Prices Fork Village Plan was completed (2005) the school was still active so the site remained designated as Civic.

Mr. Sandy reminded the Commission and attendees that this proposed future land use change would still require any rezoning in the future to come before the Planning Commission and Board of Supervisors, and would require a site plan, appropriate entrances, water and sewer infrastructure, etc. Mr. Sandy further noted that this request complies with the policy for Comprehensive Plan amendments set by the Board, and he suggests that the Commission recommend approval.

Mr. Rice opened the floor up for public comment but there being no comments, the public hearing was closed.

A motion was made by Mr. Donahue and seconded by Mr. Allen to recommend approval of the request by Montgomery County for a comprehensive plan amendment to change the policy map designation of approximately 8.33 acres, identified as Tax Parcel No. 052-A-20 (Parcel ID 070688) from Civic to Mixed Use.

Ayes: Allen, Disney, Donahue, Katz, Kroll, Lau, Rice

Nays: None

Abstain: None

- An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery Virginia by amending Sections 10-21 through 10-36, Section 10-41 and Section 10-61 by creating a new amateur radio tower use defined as a structure on which antenna is installed for the purpose of transmitting and receiving amateur radio signals allowable by right under certain use limitations in A-1 Agricultural, C-1 Conservation, R-R Rural Residential, R-1, R-2, R-3 Residential, GB General Business, CB Community Business, M-1 Manufacturing, M-L Manufacturing Light, PIN Planned Industrial, PUD-COM and PUD-RES Planned Unit Development districts and allowable by special use permit under certain use limitations in A-1 Agricultural, C-1 Conservation, R-R Rural Residential, R-1, R-2, R-3 Residential, GB General Business, CB Community Business, M-1 Manufacturing, M-L Manufacturing Light, PIN Planned Industrial, PUD-COM and PUD-RES Planned Unit Development, RM-1 Multiple Family Residential, PUD-TND Planned Unit Development-Traditional Neighborhood Development, Traditional Neighborhood Development Infill and PMR Planned Mobile Home Residential Park districts

Ms. Jenkins reminded the Commission that this topic came up during attempts to revise the definition of telecommunications tower earlier this year. Currently, the ordinance has no definition or regulations for amateur radio towers. Members of ARRL have endorsed the proposed ordinance amendments.

Ms. Jenkins explained that the ordinance amendments would provide a definition for amateur radio tower, along with supplemental district regulations, and a designation of which zoning districts would allow these towers by right or by special use permit (SUP). All districts would require a SUP for towers above 75 feet.

Ms. Jenkins read the proposed definition and recommended adding a category to the supplemental district regulations specifically for these towers. They would be allowed in most districts by right, and in RM-1, PUD-TND, TND infill and PMR by SUP. Ms. Jenkins described four (4) requirements to regulate these towers: a maximum height of 75 feet (or possibly higher by SUP only), a required setback equal to tower height and a requirement that guys and/or accessory structures meet the minimum setback requirement of a district, a requirement that towers be located in side and rear yards only, and a required finish of a natural metal color or non-reflective, dark finish.

Ms. Jenkins asked if the Commission had any questions.

Mr. Donahue asked Mrs. Craigie to come up to clarify a point. He pointed out a typo in the letter from Mr. **Imlay at ARRL, in which he recommended a "reflective" finish rather than "non-reflective"**.

Mr. Rice opened the floor for public comment and asked Mrs. Craigie, President of ARRL, to speak.

Mrs. Craigie confirmed that the wording was just incorrect, and that the new wording proposed by Ms. Jenkins for the ordinance is perfect. Mrs. Craigie said that this ordinance amendment is a positive step towards

ensuring that regulations of commercial towers are not detrimental to amateur radio. She further stated that she addressed the Board of Supervisors on Monday and supported the amendment, and now urges the Planning Commission to recommend approval of the proposed amendment.

Mr. Rice thanked Mrs. Craigie, and there being no further comments, closed the public hearing. Mr. Rice then opened the item for discussion among commissioners.

Mr. Kroll suggested possibly considering some alternative language to address the dark finish wording. Many other ordinances that address this issue simply refer to a **"neutral" color** and/or say that it should blend in with the surroundings.

Mr. Rice asked if shortening the **regulation to just "non-reflective"** would solve this.

Mr. Kroll said that since the "natural metal color" was recommended by ARRL, it should be left in.

Ms. Jenkins explained that most of the towers are of a natural metal color so it would be more of a hardship to have to paint them a neutral color.

Mr. Rice asked if it could be modified to include **"non-reflective finish", and remove "dark"**.

Mr. Katz suggested that this may allow unwanted colors.

Mr. Donahue **agreed that "dark" prevents bright colors.**

Mr. Lau suggested that the reflectivity may be more crucial than the color, as these towers tend to be unnoticeable regardless of color, so long as they are not reflective.

Ms. Jenkins added that these towers are smaller and less obtrusive than commercial towers regardless of finish.

Mr. Kroll made a suggestion to change the wording to "neutral non-reflective finish" as this would not be as restrictive as dark.

Mr. Katz **asked how "neutral"** would be enforced, and suggested possibly defining it further as a color occurring in nature.

Mr. Kroll said that the intent should be to ensure that the tower blends with surroundings.

Mr. Allen and Mr. Katz both agreed that the existing wordage is good.

Mr. Donahue **suggested replacing "dark" with "unobtrusive"; Mr. Katz agreed.**

Mr. **Sandy expressed a concern that "unobtrusive" may be more vague than "neutral".**

Ms. Jenkins said that she also agrees that "neutral" may be a better term; the Commission largely agreed.

A motion was made by Mr. Donahue and seconded by Mr. Katz to recommend approval of the ordinance amendment related to the definition and regulation of amateur radio towers, with the following changes:

Modify the regulation found in Section 10-41 (20) to permit towers to be of a "natural metal color" or a "neutral, non-reflective finish".

Add "amateur radio tower greater than seventy-five (75) feet" to the uses allowed by special use permit in all districts.

Ayes: Allen, Disney, Donahue, Katz, Kroll, Lau, Rice

Nays: None

Abstain: None

5. An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery Virginia by amending Sections 10-21 through 10-36, Section 10-41 and Section 10-61 by amending the definition of park and ride lot to include parking for other short term traveling purposes in addition to work allowable by right under certain use limitations if the lot has fifty or less parking spaces in GB General Business, CB

Community Business, M-1 Manufacturing, M-L Manufacturing Light, PUD-TND Planned Unit Development-Traditional Neighborhood Development, Traditional Neighborhood Development Infill, PIN Planned Industrial, PUD-COM Planned Unit Development-Commercial and PUD-RES Planned Unit Development-Residential districts and park and ride lot allowable by special use permit with more than fifty parking spaces in GB General Business, CB Community Business, M-1 Manufacturing, M-L Manufacturing Light, PUD-TND Planned Unit Development-Traditional Neighborhood Development, Traditional Neighborhood Development Infill, PIN Planned Industrial, PUD-COM Planned Unit Development Commercial and PUD-RES Planned Unit Development-Residential districts and park and ride lot allowable by special use permit in A-1 Agricultural, C-1 Conservation, R-R Rural Residential, R-1, R-2, R-3 Residential, RM-1 Multiple-Family Residential and PMR Planned Mobile Home Residential Park districts.

Ms. Jenkins reminded the Commission that staff had a request from a private bus company whose owner wanted a lot to allow customers to use the buses for short shopping and/or vacation trips, as the current ordinance definition of park and ride lot limits its use to work travel. During the previous meeting the Commission had requested staff to look up the sizes of local VDOT lots. Ms. Jenkins said that the Pedlar Road lot has thirty (30) spaces and the Falling Branch lot is fifty-two (52) spaces, and is paved, striped, lighted, and highly utilized.

Ms. Jenkins explained that the proposed amendment would modify the existing definition, and specify where these lots are allowed. There are three (3) categories based on size, which are allowed by right or by special use in various zoning districts. Ms. Jenkins read the proposed definition of park and ride lot.

Ms. Jenkins further explained that new regulations would exempt these lots from district lot coverage requirements, but they would still have to meet minimum yard requirements and comply with all other off-street parking regulations regarding paving, landscaping, etc.

Mr. Donahue noted that the setbacks would provide a cap on the lot size.

Ms. Jenkins confirmed this. She also indicated that the proposed amendments would allow these lots by right, when fifty (50) parking spaces or fewer, in GB, CB, M-1, M-L, PUD-COM, PUD-RES, PUD-TND, and TND Infill districts, and require a SUP for lots larger than that in those same districts. In A-1, C-1, R-R, R-1, R-2, R-3, RM-1, and PMR districts, these lots would require a SUP at any size.

Mr. Rice opened the floor up for public comment. However, there being no comments, the public hearing was closed.

Mr. Rice asked if someone could put in a park and ride lot and charge people to use it.

Ms. Jenkins said that it would not matter; so long as it is allowed in that district they can manage it in whichever way they choose.

Mr. Kroll asked if that would make it a commercial use, and if so, if that would automatically limit it to certain districts.

Ms. Jenkins said this is not the case because it is a separate use and the ordinance amendment will specify where these lots are allowed.

Mr. Kroll asked for confirmation that these lots are not currently allowed in A-1.

Ms. Jenkins confirmed this, and noted that even with the proposed changes they would only be allowed by SUP in those districts.

Mr. Katz expressed a concern that because the lot may not be located on the same property as the actual business, some kind of placard may be required so that people would know who to contact in the case of theft or towing.

Ms. Jenkins said that she assumed the owner would probably want to put up some kind of sign.

Mr. Donahue added that vehicles could not be towed from the lot anyway unless there is signage indicating this.

Mr. Katz repeated his concern that these lots should provide some kind of posted contact information in case of theft or other issues.

Ms. Jenkins suggested that if a vehicle is stolen or vandalized, the owner would normally call the police, not the property owner.

Mr. Donahue added that if necessary, the County or the police should also be able to look up who owns the property.

Mr. Katz asked if a proposed park and ride lot would require a site plan. A required site plan review would help to address some of these issues anyway.

Ms. Jenkins confirmed this.

A motion was made by Mr. Katz and seconded by Mr. Allen to recommend approval of the ordinance amendment related to the definition and regulation of park and ride lots.

Ayes: Allen, Disney, Donahue, Katz, Kroll, Lau, Rice

Nayes: None

Abstain: None

6. Six additional proposed ordinance amendments to include changes made to State Code by the Virginia General Assembly, as follows:

An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-22 to clarify that sawmill, temporary use is a by-right use and sawmill is a use allowable by special use permit in C-1 Conservation District.

An ordinance amending Chapter 10 entitled Zoning of the Code of County of Montgomery, Virginia by amending Section 10-41 (2A) by amending the definition of temporary family health care structure to comply with changes in the state enabling legislation.

An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-43 (5) by adding cemeteries to the list of uses that shall require a minimum ten (10) percent tree canopy plan shown on the final site plan in order to comply with state law change.

An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-51 to clarify the voting requirements for action taken by the Board of Zoning Appeals.

An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-54 (1)(D) by adding military installation to the list of places proposed zoning amendments shall be referred to for comment in order to comply with state law change.

An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-55 by amending certain procedures before the Board of Zoning Appeals to comply with state law change.

Ms. Jenkins explained the six (6) additional ordinance amendments, described above.

Mr. Rice opened the floor up for public comment. However, there being no comments, the public hearing was closed.

A motion was made by Mr. Donahue and seconded by Ms. Disney to recommend approval of the ordinance amendments to address State Code changes and correct a clerical error.

Ayes: Allen, Disney, Donahue, Katz, Kroll, Lau, Rice

Nayes: None

Abstain: None

OLD BUSINESS:

Liaison Appointments

Mr. Lau agreed to be liaison to the Radford Planning Commission, with the caveat that he may need another member to take his place during months when he cannot make it.

NEW BUSINESS:

Mr. Sandy indicated that the Commission has a light schedule for next week's meeting. He explained that it would be possible to cancel the meeting, but the Commission would still need to do site visits.

Mr. Donahue suggested voting on the public hearing portion of next week's consent agenda if there is to be no meeting.

Other commissioners agreed, noting that the minutes could be approved at a later meeting.

On a motion by Mr. Donahue, and seconded by Mr. Lau, and unanimously carried, item B of the consent agenda dated September 18, 2013 was approved.

The Commission further agreed to move the site visit start time an hour later to accommodate more members. Staff were asked to change the time on any related owner-applicant notices.

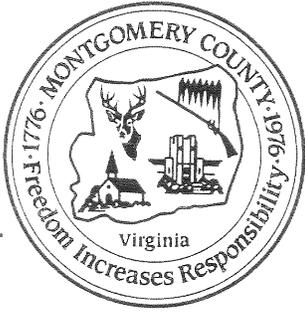
Mr. Sandy said that this week the Board had selected two new Planning Commission members: Mr. Lau, who was present this evening, and Sonia Hirt. He further reminded Commissioners about the Planning and Zoning Conference to be held in Roanoke in October.

Mr. Tuck reported that the Board had suggested using the old Blacksburg Middle School site for Virginia Tech game day parking and giving the proceeds to the schools. The response from the Town of Blacksburg was a list of seven requirements, including a requirement for a minimum of 200 spaces. The Town is already using two (2) small, paved parcels nearby for this purpose but does not appear to have been held to the same requirements.

WORK SESSION:

MEETING ADJOURNED:

There being no further business the meeting was adjourned at 9:15 PM.



MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Planning Commission

FROM: Planning Staff

DATE: October 2, 2013

RE: **Staff Analysis (RZ-2013-11194)**

A request by SHAH Development, LLC (Agent: Gay and Neel, Inc.) to rezone approximately 8.01 acres from Agricultural (A-1) to Multiple Family Residential (RM-1), with possible proffered conditions, to allow 64 residential dwelling units. The property is the former Elliston Lafayette Elementary School property located at 5201 Tango Lane; identified as Tax Parcel Nos. 060-1-A, (Account Nos. 070690) in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Mixed Use within the Elliston/Lafayette Village Plan.

I. NATURE OF REQUEST

The applicant is requesting rezoning of approximately 8 acres from Agriculture (A1) to Residential Multi-family (RM-1) with possible proffered conditions, to allow 64 multi-family residential dwellings (townhomes).

II. LOCATION

The property is located south west of the intersection of Roanoke Road (Rte.11/460) and North Fork Road (Rte. 603) and is identified as Tax Parcel No. 060-1-A (Acct # 070690) in the Shawsville Magisterial District (District C). The property is known as the former Elliston-Lafayette Elementary School site. Hale's Mobile Home Park is located across Old Roanoke Road and the railroad tracks. The area surrounding this property is zoned Agriculture (A-1) with a few lots zoned Residential (R2) and General Business (GB). See attached zoning map.

III. BACKGROUND

This property was the former site of the Elliston-Lafayette Elementary school and was sold by the County at auction in July 2013. The current owner requested a comprehensive plan amendment from Planned Light Industrial/Commercial to Medium Density Residential; however, after review and deliberation the Board of Supervisors approved the property be

designated as Mixed Use within the Village of Elliston. In addition, the Board changed the designation of six surrounding parcels to Mixed Use.

IV. IMPACTS

The impacts associated with rezoning this property to allow the construction of up to 64 townhomes are discussed below.

Transportation

The owner has proposed the installation of a right in/right out access onto Roanoke Road (Rte 11/460) and a secondary entrance onto Old Route 460 (Rte. 603). On August 28, 2013, VDOT issued a comment letter (see attached application materials), after their review of the concept plan and narrative, stating the proposed entrances would be permitted. Tango Lane (SR 9815) is not being proposed to serve this property; however, VDOT has indicated it is considered a state maintained road and will need to be abandoned by the property owner if they no longer want or need this state route.

Infrastructure

The property is currently in the Montgomery County PSA water and sewer service area. According to a letter from Mr. Bob Fronk, PSA Director, dated September 9, 2013 (see attached), public water and sanitary sewer can be provided by the PSA. Public water exists along Tango Lane and can be extended to serve all units within the development via an 8-inch water line extension. Public sewer can be provided to the property by a sewer main extension.

The PSA letter also points out that since this property discharges to the Elliston-Lafayette Regional Wastewater Collection and Treatment system installation of a septic tank for each residential unit would be required.

Schools

Montgomery County Public Schools submitted a comment letter dated September 18, 2013 concerning the potential impact that this proposed development would have on the county school system. This letter has been attached to this report.

The letter indicates that children from residential dwellings in this proposed development would attend Eastern Montgomery Elementary School, Shawsville Middle School and Eastern Montgomery High School. Eastern Montgomery Elementary has a capacity of 600 students and has a current enrollment of 461 students. Shawsville Middle School has a capacity of 240 students and a current enrollment of 239 students. Eastern Montgomery High School has a capacity of 561 students and has a current enrollment of 289 students.

According to the letter, the project could potentially add 37 children to the school system or approximately 3 students in every grade level upon full build-out. The potential number of additional students could impact Shawsville Middle School which is nearing capacity.

Emergency Services

Montgomery County Emergency Services Director, Neal Turner, reviewed the concept plan and has advised via email that he has no concerns with the proposed development plan dated September 9, 2013. The owner has proposed the installation of two (2) new fire hydrants and the relocation of an existing fire hydrant on the property to comply with subdivision requirements.

V. COMPREHENSIVE PLAN

The subject property is in an area designated as Village Expansion on the future policy map of the comprehensive plan and further designated as Mixed Use in the Elliston Lafayette Village Plan. This property is also included in the Lafayette Route 11/460 Corridor Plan and the Village Transportation Links Plan (VITL) adopted by the Board of Supervisors.

Mixed Use

The Elliston & Lafayette Village Plan Land Use map shows this property to be located within an area designated as Mixed Use. The mixed use development allows for industrial, commercial and/or residential development based on the features and infrastructure available to the property.

The following Land Use Policies are specified within the Elliston & Lafayette Village Plan and should be considered during the review of this rezoning application.

ELV 1.2 Village and Village Expansion Land Use Designations.

"Establish preferred development patterns for the Villages of Elliston and Lafayette and the Elliston-Lafayette Expansion area in order to 1)focus growth where it can be supported by infrastructure improvements; 2)maintain existing community character by promoting the use, redevelopment, and revitalization of existing historic districts and areas of development, and promoting the use of traditional neighborhood design (TND) approaches which stress pedestrian orientation, mixed use..."

ELV 8.0 Housing

Encourage the development of a broad range of housing options to provide choice and opportunity to households with a variety of income levels.

ELV 11.0 Transportation

Encourage the development of interconnected and intraconnected street, bikeway, and walkway networks in new subdivisions. New developments should provide multiple connections to the existing road network and should limit the use of cul-de-sacs within new developments.

Lafayette Route 11/460 Corridor Plan and Village Transportation Links (VITL) Plan

The Lafayette Route 11/460 Corridor Plan designates this property as a portion of the scenic eastern gateway to the county. It further states "New development projected for the corridor should not be hidden from view but should be appropriately visually framed with wide front building setbacks and formal landscaping along the corridor". The "landscaping concept" for this area should include ornamental tree species in irregular groupings, supplemented by low evergreen shrubs. It further states "New building should be compatibly designed with the scenic rural quality of the surrounding area..".

In regards to transportation recommendations, the Route 11/460 Corridor Plan suggests consolidated entrances for parcels fronting the route. In addition, the VITL plan outlines a proposed pedestrian/bikeway trail that connects the two Villages and Roanoke County. A portion of the proposed trail network borders this property along Old Route 460 (Rt. 603 currently) and across the bridge to Hale's Mobile Home Park where the trail continues along Old Route 460.

Comprehensive Plan Summary

As proposed, this development does qualify for consideration of rezoning from Agriculture (A-1) to Residential Multiple Family (RM-1) ; however, there are aspects and details of the proposed development that need to be considered and incorporated into the proposal to fully comply with the guidelines and goals of the Comprehensive Plan and zoning ordinance.

VI. ANALYSIS

The subject parcel qualifies for rezoning to Residential Multiple Family (RM-1) based on the submittal requirements of the zoning ordinance. Based on the concept plan the owner intends to subdivide the property to sell individual lots. The proposed zoning change will present a significant change in land use and traffic patterns compared to the existing surrounding community uses and will represent an increase in intensity as compared to the existing uses in the community.

The following site design elements are a major concern for the County and surrounding property owners that have been identified during the review of this proposal.

- The proposed entrances meet VDOT standards. However, shared access to future development on adjoining parcels should be considered due to access management regulations. In addition, the private roads throughout the development will not be accessible by public school buses therefore; school children will be required to go to the entrance at Roanoke Road or Old Route 460 in order to ride the bus. There have not been any provisions, such as a bus shelter, turnaround on Old Route 460, etc. made to ensure the safety of the school children. The owner has indicated the desire to request the abandonment of Tango Lane (Route 9815) and Route 603 adjacent to the property. The abandonment of Route 603 would allow for the installation of a cul-de-sac to accommodate the school buses; however, an easement would be necessary to accommodate the proposed trail system outlined in the VITL plan. As of the date of this report proffers have not been received relating to these issues.
- A project of this character should exhibit the characteristics of a walkable community as well as having access to other forms of mobility such as bicycling and transit. The applicant has depicted trails on the concept plan; however, all trails are internal to the development and do not provide connectivity to the proposed trail network outlined in the VITL plan. During the plan review meeting held by staff on September 19th, 2013, VDOT noted that the existing trail located on VDOT right of way (along Roanoke Rd. Rte. 11/460) could not be utilized unless the property was acquired from VDOT. The trails are shown to be located in this area; however, additional information regarding the purchase of this property from VDOT has not been submitted. In addition, the construction of the trails has not been included in the proffered conditions. Consideration should be given to the trail construction materials, time of development, connectivity, maintenance, etc.

- The applicant has proffered a double row of Leyland Cypress trees along the residential properties. While this is beneficial in screening the development from the adjoining residences, it does not take into consideration the Route 11/460 Corridor plan and the landscaping standards of the County Code. Both of these documents call for a mix of landscaping types to create a buffer yard that will be consistent with the "Eastern Gateway" vision. In addition, County Code requires that no more than twenty-five (25) percent of newly planted trees may be of the same species. Additional consideration needs to be given to create a buffer yard and landscaping plan that not only meets County Code requirements, but also complies with the vision outlined in the Route 11/460 Corridor Plan.
- The Residential Multi-Family (RM-1) zoning district requires that developments containing more than twenty (20) units have an active recreation area of at least 10,000 square feet and incorporate a playground and items such as tot lots, school bus shelters, etc. The applicant has proposed to repair and utilize the existing basketball court and provide a tot lot within the development. Details regarding the size, equipment type, installation time frame for playground/tot lot area have not been provided or proffered as of the date of this report.
- More information concerning the details of the development is needed to ensure that this project will represent the mixed use type of development that the County envisions for this area. Specifically, the applicant needs to address details concerning the following:
 - a) Interconnectivity with adjoining property, location, design.
 - b) Interconnectivity of trails and sidewalks for pedestrians and bicycling.
 - c) Incorporation of transit friendly design.
 - d) Building and lighting design/architectural details.
 - e) Landscaping should meet the vision of the Lafayette Route 11/460 Corridor Plan and the regulations of the County Code.
 - f) Proffers submitted are not specific in regards to design, phasing of development, installation of associated amenities, maintenance, etc.
- Staff has requested elevation views of the proposed development; however, as of the date of this report they have not been submitted. There is a concern that the development should have characteristics of "mixed use" development versus a homogenous townhome development. A mix of uses (commercial out parcels, TND type development, etc) as called for in the comprehensive plan, as well as mix of architectural styles/materials, housing types, etc. should be considered. The incorporation of these items will require amendments to the conceptual plan and proffered conditions.

VII. STAFF RECOMMENDATION

Staff's preliminary recommendation is to table this request in order to allow the applicant additional time to address a number of the items and concerns that have been outlined in the analysis section of this report.

SHAH Development and Gay & Neel, Inc. voluntarily held a community meeting on September 30th at the Elliston Fire Station to consider concerns of the neighboring property owners. At the time this report was issued, the Planning and GIS Services office had not received communication with

surrounding property owners. Adjoining property owners were notified in accordance with Montgomery County Code Section 10-52(3). Consideration should be given to adjacent property owners or other interested citizens attending the public hearing to express their views regarding this request.

Enclosures: Aerial Map
 Zoning Map
 Concept Plan dated October 2, 2013
 Proffer Statement dated October 2, 2013
 Letter from Montgomery County Schools dated September 18, 2013
 Letter from Montgomery County PSA, dated September 9, 2013
 Application Materials

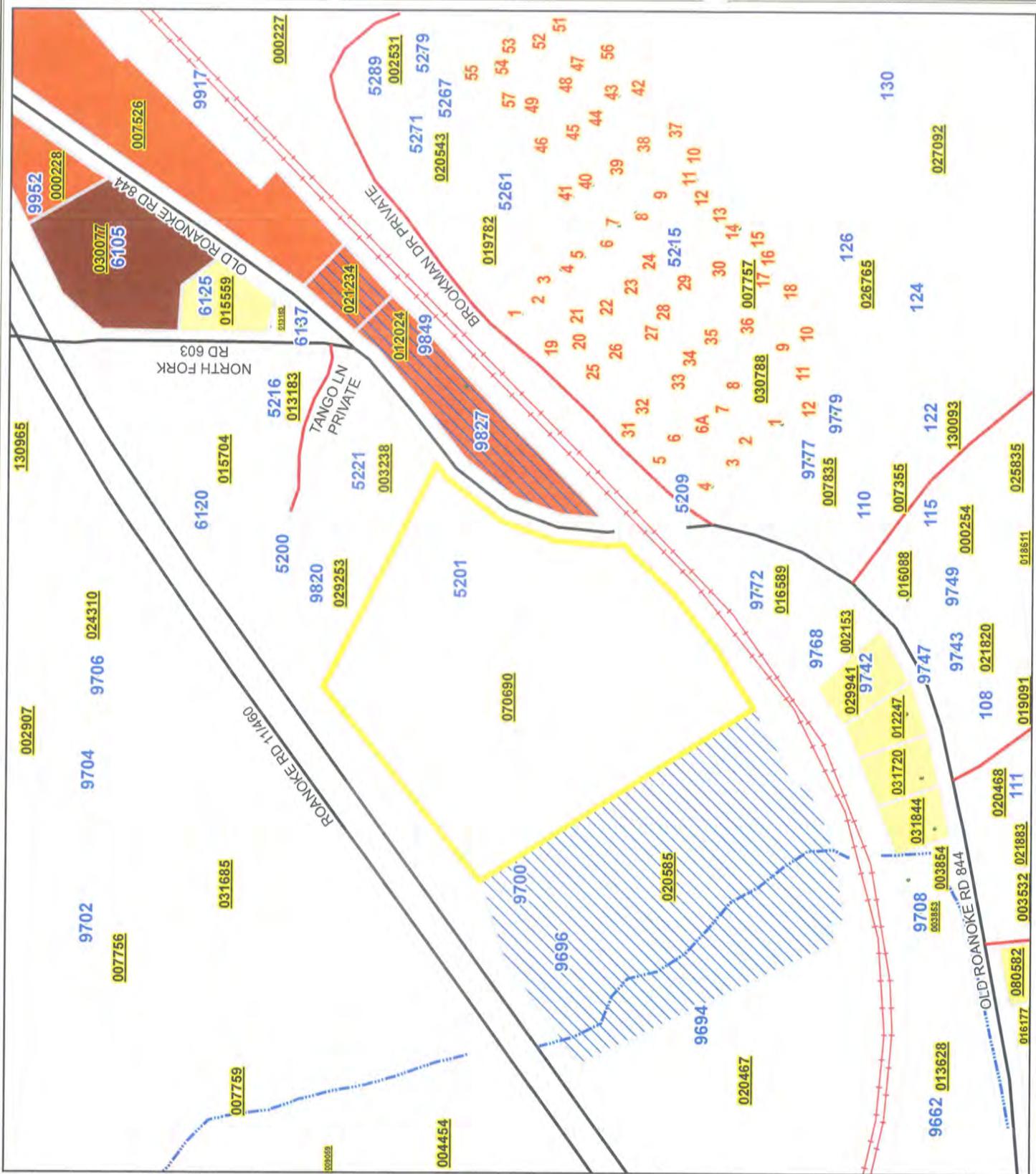
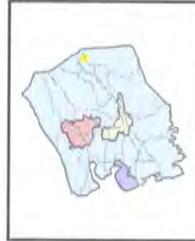


Shah Development Request for Rezoning

A1 to RM-1

Parcel ID(s): 070690

- Legend**
- State Roads
 - Interstate Highway
 - Private Roads (Named)
 - Planned Highway
 - Railroad
 - Hydrology
 - Subject Parcel (Shah Development)
 - Tax Parcels
- Zoning Class**
- A1 - Agriculture
 - GB - General Business
 - R2 - Residential
 - R3 - Residential
 - Monte's Special Use Permits



Montgomery County, Virginia
DISCLAIMER

THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE MONTGOMERY COUNTY BOARD OF SUPERVISORS AND ITS EMPLOYEES ARE NOT RESPONSIBLE FOR ANY DAMAGES OR LOSSES OF ANY KIND, INCLUDING BUT NOT LIMITED TO, DAMAGES OR LOSSES OF PROFITS, BUSINESS, OR OTHER FINANCIAL INTERESTS.

THIS MAP IS A GENERAL REPRESENTATION OF THE LOCATION OF THE SUBJECT PARCEL AND IS NOT TO BE USED FOR REFERENCE PURPOSES. THE EXACT LOCATION OF ANY PARCEL SHOULD BE DETERMINED BY A SURVEYOR OR AN ENGINEER. THE MONTGOMERY COUNTY BOARD OF SUPERVISORS AND ITS EMPLOYEES DO NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

THE EXACT LOCATION OF ANY PARCEL SHOULD BE DETERMINED BY A SURVEYOR OR AN ENGINEER. THE MONTGOMERY COUNTY BOARD OF SUPERVISORS AND ITS EMPLOYEES DO NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

CONTRIBUTORS TO THE RISK OF AND EMPLOYERS OF ANY PARCEL SHOULD BE USED FOR LAND DEVELOPMENT SURVEY AND ENGINEERING PURPOSES.

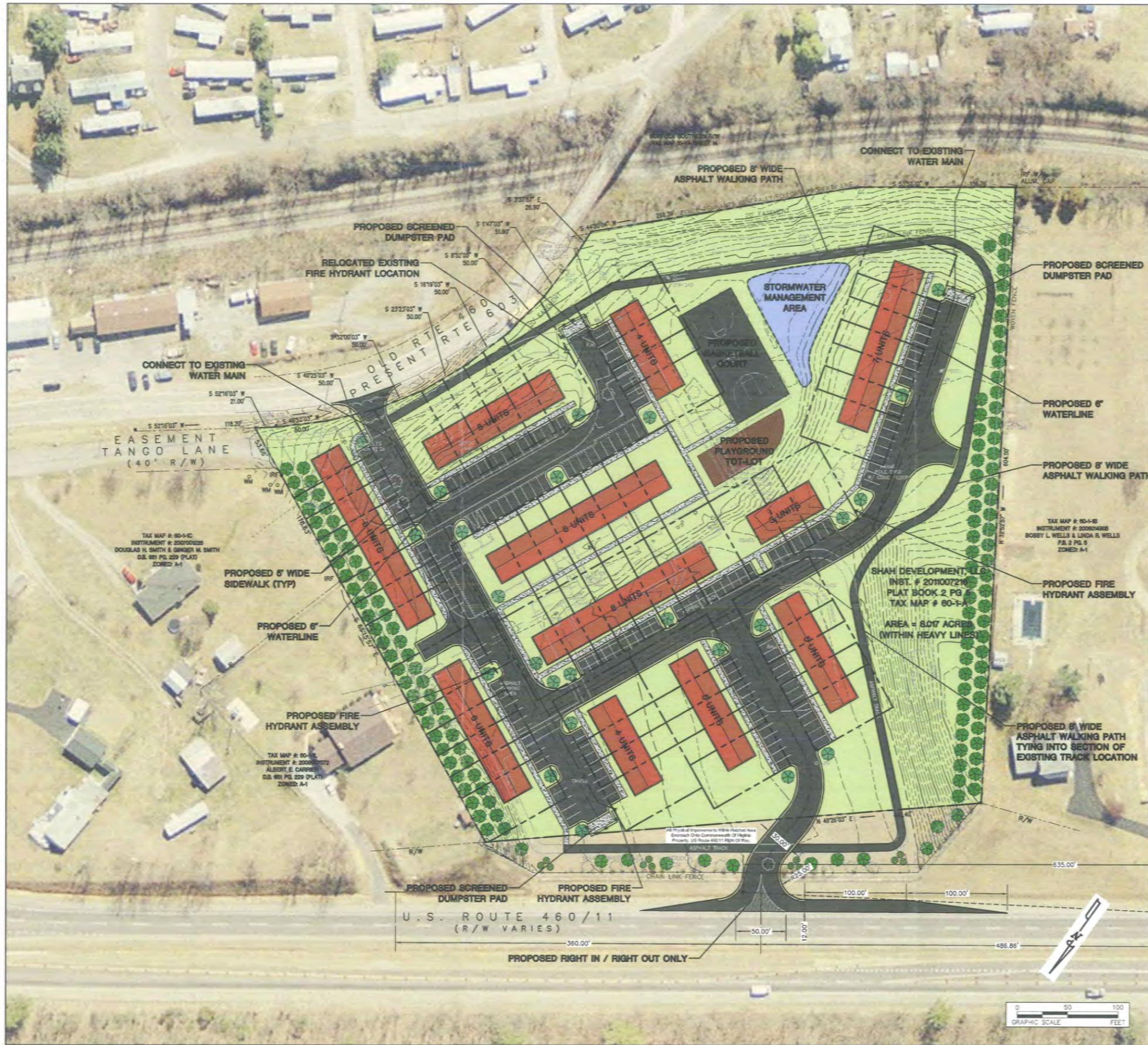
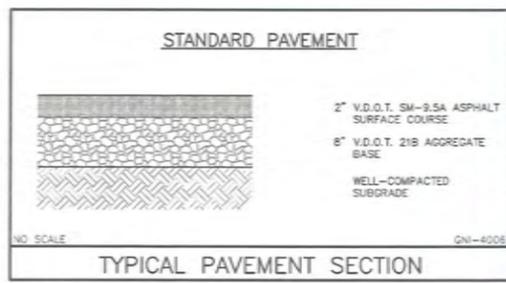
0 25 50 100 150 200
FEET



VICINITY MAP
SCALE: 1"=2000'

GENERAL NOTES:

- OWNER/DEVELOPER: SHAH DEVELOPMENT, LLC
P.O. BOX 1499
CHRISTIANSBURG, VA 24068
PROJECT LOCATION: 5201 TANGO LANE
ELLISTON, VA, 24087
- TAX PARCEL NUMBER: 60-1-A
- CURRENT ZONING DISTRICT: A-1, AGRICULTURAL
SETBACKS:
FRONT= 40'
SIDE STREET= 20'
SIDE= 15'
REAR= 40'
PROPOSED ZONING DISTRICT: RM-1, MULTI-FAMILY RESIDENTIAL
SETBACKS:
FRONT= 25'
SIDE STREET= 20'
SIDE= 25'
REAR= 30'
- LEGAL REFERENCE: D.B. 2011 PG. 0072169, P.B. 0002 PG. 0005
- BOUNDARY AND TOPOGRAPHIC INFORMATION AS SHOWN HEREON IS FOR INFORMATIONAL PURPOSES ONLY. NO BOUNDARY SURVEY WAS PERFORMED AS A PART OF THIS PROJECT.
- TAX PARCEL 60-1-A AREAS:
TOTAL PARCEL AREA: 8.017 AC.
PROPOSED BUILDING USE(S): MULTI-FAMILY RESIDENTIAL
TOTAL UNITS: 64 (51,200 S.F.)
TOTAL PARKING SPACES: 170 (66,824 S.F.)
PROPOSED BUILDING HEIGHT: LESS THAN 35 FEET
PROPOSED BUILDING AREA: 49,104 S.F. (14.06%)
PROPOSED LOT COVERAGE (% IMP): 153,375 S.F. (43.91%)
GREEN SPACE: 195,663 S.F. (56.1%)



GAY AND NEEL, INC.
ENGINEERING • LANDSCAPE ARCHITECTURE • SURVEYING

1260 Radford Street
Christiansburg, Virginia 24073
Phone: (540) 381-6011
Fax: (540) 381-2773
Email: info@gayandneel.com
Web: www.gayandneel.com

The drawing, design, and digital files relating to this project are the property of Gay and Neel, Inc. The reproduction, copying, or other use of this drawing without GNI's written consent is prohibited.

**SHAH DEVELOPMENT, LLC
REZONING
APPLICATION**

ELLISTON, VIRGINIA

REVISIONS		
NO.	COMMENTS	DATE

PROJECT TEAM	
PIE	JOHN T. NEEL, PE
PIW	MATT TOMLINSON, PE
DESIGN	ACS, MBL
ISSUE DATE	09/09/13
GNI JOB NO.	2440.0
SHEET TITLE	CONCEPT DEVELOPMENT PLAN
SHEET NUMBER	1 OF 1

X:\Drawings\2440\REZONING\Drawings\2440.0_01_C2_Preliminary_2.dwg
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5201 Tango Lane

PROFFER STATEMENT

OCTOBER 2, 2013

Proffer Statement for the *Rezoning Application for Tax Parcel 060-1-A* (the "Property") from A-1 to RM-1 in the Montgomery County Zoning Ordinance.

Pursuant to Section 10-54(i) of the Montgomery County Zoning Ordinance, the Owner hereby voluntarily proffers that the property which is the subject of this Rezoning Application will be developed in accordance with the following conditions, if and only if, approval of Ordinance # _____ is granted, and the property is rezoned as requested. The Applicant, the Owners, their Successors and Assigns, voluntarily proffer the following conditions for the property as follows:

1. **Conceptual Layout**

The Property shall be developed in substantial conformance with the conceptual plan prepared by Gay & Neel, dated October 2, 2013 (the "Concept Development Plan").

2. **Density**

A maximum density of no more than 8.0 units per acre will be permitted.

3. **Utilities**

Site shall be served by Montgomery County Public Service Authority public water and sanitary sewer.

4. **Site Plan**

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.

5. **Trash Receptacles**

No individual trash receptacles shall be stored where visible from public Rights-of-Way. Community dumpsters will be provided and screened on all four sides.

6. **Property Management**

A property management company and/or homeowner's association shall maintain all grounds, including but not limited to grass areas, recreational areas, parking and paved areas, and stormwater management area.

7. **Screening**

A double row of Leyland Cypress trees shall be installed along the two adjacent residential property lines. Trees shall be staggered and planted at fifteen feet on center.

8. **Road Improvements**

Road improvements and turn lanes will be designed per VDOT requirements.

9. **Landscaping**

The proposed development will preserve existing vegetation to the greatest extent possible. Proposed buffer yard shall be in conformance with the requirements of the zoning ordinance and shall be installed prior to the issuance of a certificate of occupancy. Existing vegetation can be credited towards the buffer requirements. Buffer shall not impede sight distance at the proposed or existing entrances.

I (we) hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission.

Applicant

David Hagan, _____ DATE

**Commonwealth of Virginia
County of Montgomery**

The foregoing instrument was acknowledged before me this ____ day of _____, 2013 by _____ of Montgomery County.

NOTARY PUBLIC

My commission expires _____.



Montgomery County
Public Schools

Facilities & Planning Department

September 18, 2013

Ms. Erin M. Puckett
Senior Program Assistant
Montgomery County Planning & GIS Services
755 Roanoke Street, Suite 2A
Christiansburg, VA 24073

Re: Rezoning Request by SHAH Development from
Agriculture (A-1) to Multiple Family Residential (RM-1)
5201 Tango Lane, Elliston, VA

Dear Ms. Puckett:

I am writing in response to your email regarding the SHAH Development rezoning request.

Children from homes in this area attend Eastern Montgomery Elementary School, Shawsville Middle School, and Eastern Montgomery High School. Eastern Montgomery Elementary School has a capacity of 600 students and a current enrollment of 461. Shawsville Middle School has a capacity of 240 students and a current enrollment of 239. Eastern Montgomery High School has a capacity of a 561 students and a current enrollment of 289. Our planning consultant advises us that on average across the country, new family dwelling units have the potential to add .6 children each to the school system. Sixty-two (62) additional units in this development could potentially add 37 students to our school system, or approximately 3 students in every grade level. This potential number of additional students could impact the middle school which is nearing capacity. Please consider the impact of this development in conjunction with other recent rezoning approvals that potentially add students to the schools.

If the rezoning request is approved, please ensure that any new public roads servicing this development can accommodate large school buses.

Thank you for this opportunity to comment on the proposed developments.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel A. Berenato". The signature is stylized with a large initial "D" and a long horizontal stroke at the end.

Daniel A. Berenato
Director

DAB/mm

cc: Brenda Blackburn
John Staten
Rebecca Mummau



MONTGOMERY COUNTY PUBLIC SERVICE AUTHORITY

Government Center
Suite 2I
755 Roanoke Street
Christiansburg, VA 24073-3185

September 9, 2013

Mr. John Burke
Gay and Neel, Inc.
Via email: jburke@gayandneel.com

William H. Brown, Chairman
Christopher A. Tuck, Vice-Chair
Mary W. Biggs, Secretary-Treasurer
Gary D. Creed, Member
Matthew R. Gabriele, Member
Annette S. Perkins, Member
James D. Politis, Member

Robert C. Fronk, PE
PSA Director

RECEIVED
SEP 09 2013

BY:

RE: Availability No. 13-41
Proposed 64-Unit Townhome Development
Tango Lane
Tax Map No. 060- 1 A
Parcel ID 070690
Water/Sewer

Dear Mr. Burke:

Public water and sanitary sewer may be made available to this to this proposed 64-unit residential townhome development at the end of Tango Lane, Tax Map No. 060- 1 A. Public water and sanitary sewer were previously provided to this property by a 2" water meter service. The previous 2" service transferred with this property and will provide a credit of 8 residential water and sewer facility fees.

Public water service would require a minimum eight-inch water main extension to a point adjacent to all units of this proposed development from the existing eight-inch water main located along Tango Lane adjacent to this property. The hydraulic grade line of the water system is 1426 feet MSL. The fire hydrant (CE1255) at the end of Tango Lane had a static pressure of 55 pounds per square inch (psi) and flow of 750 gallon per minute with a residual pressure of 18 psi. The water facility fee would be \$2,500.00, the connection fee would reduce to the meter cost of \$225.00 and the water service inspection fee is \$25.00 for total water connection fee of \$2,750.00 per each residential unit.

Public sanitary sewer service would require a sewer main extension to a point adjacent to all units of this proposed development from the four-inch sewer line located adjacent to this property. ***Please be advised that this property would discharge to the Elliston-Lafayette Regional Wastewater Collection and Treatment System which requires the installation of a septic tank for each residential unit at the owner's expense. The owner would also be required to execute a User Agreement prior to discharging to this system.*** The sewer facility fee would be \$3,000.00 and the sewer service inspection fee is \$25.00 for total sewer connection fee of \$3,025.00 per each residential unit.

The water and sewer facilities must be designed to PSA standards by an engineer and approved by the PSA prior to construction. The owner would be responsible for the cost of the water and sewer line extensions, any necessary water system appurtenances, septic tanks, road crossings, public easements, highway permits, and any other associated requirements. These designs should be incorporated into the site development plans for this development and submitted to the PSA for review. Payment of twenty-five percent of the water and sewer facility fees for all units of the development would be required prior to approval of the site plan.

Page Two
Mr. John Burke
September 9, 2013

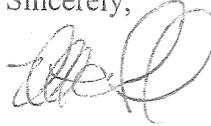
Also be advised that this development must also meet all Montgomery County Planning Department requirements. The availability of water and sanitary sewer facilities does not by itself authorize the development of this property.

Please be advised that all PSA water and sewer systems have a fixed number of available connections. Connections are reserved by payment of facility and connection fees, provided service is currently available to the subject property.

This letter and stated conditions are only valid to September 1, 2014.

If you should have questions or need additional clarification of the above information, please call me at 381-1997.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Fronk', written in a cursive style.

Robert C. Fronk, PE
PSA Director

Elliston Lafayette Elementary School Rezoning Narrative

Comprehensive Plan Justification Statement

The following submittal is a rezoning application for Tax Parcels 060-1 A (Parcel ID 070690) located at 5201 Tango Lane, Christiansburg, Virginia. The Owner, SHAH Development LLC, wishes to rezone the existing parcel from A-1, Agricultural, to RM-1, Multi-Family Residential, in order to develop a small subdivision with a total of 64 townhomes.

According to the Lafayette Route 11/460 Corridor Plan Future Land Use Map dated August 21, 2013, the subject property currently lies within a “Planned Light Industrial/Commercial” area. However, a request to change the comprehensive plan designation to “Medium Density Residential” or “Mixed Use” was submitted to Montgomery County on August 14, 2013 in order to better match the long held residential land uses immediately surrounding the property. If the future land use is designated as Medium Density Residential or Mixed Use, the proposed use for this rezoning application will be in-keeping with the Comprehensive Plan.

This parcel meets all requirements for rezoning to RM-1 including the following:

- Minimum area required to create RM-1 district (1 acre of total contiguous land)
- Minimum lot size (6,000 square feet)
- Minimum lot width (64')
- Minimum active green space (15%) in the form of a playground area
- Lot access from a hard-surfaced VDOT road
- Maximum impervious coverage (60%)
- Maximum building coverage (40%)
- Minimum yards
 - Front: 40'
 - Side 15'
- Maximum building height (35')
- Availability of water and sewer (Confirmed the previously existing elementary school was served by public water and sanitary sewer per Montgomery County PSA)

Additional Rezoning Requirements

Pending the comprehensive plan amendment previously submitted, the proposed zoning district classification will be consistent with both the Comprehensive Plan and the Future Land Use Map for this area, and none of the proposed changes will adversely affect the additional rezoning requirements listed.

Utility Analysis

The Elliston-Lafayette Regional Wastewater Treatment Facility will receive settled sewage flows via a 4 inch gravity sewer from the site. The PSA has indicated that the conveyance and treatment plant have adequate capacity for the proposed development. Septic tanks with outlet filters will be required at each of the proposed unit as the plant accepts settled sewage only. The 2013 DEQ permit information for this plant indicates that the design flow is 0.250 MGD and is currently operating at an average flow of 0.069 MGD.

The anticipated fees are as follows. A water and sewer credit will be issued for the abandonment of the existing 2 inch water service and the existing

Item	Per Connection	# Connections	Fee
5/8 " Water Connection Fee	\$725.00	64	\$46,400.00
5/8 " Sewer Connection Fee	\$725.00	64	\$46,400.00
5/8 " Water Faculty Fee	\$2,500.00	64	\$160,000.00
5/8 " Sewer Faculty Fee	\$3,000.00	64	\$192,000.00
2 " Water Connection Fee Credit	\$20,000.00	-1	-\$20,000.00
2 " Sewer Connection Fee Credit	\$24,000.00	-1	-\$24,000.00
Total			\$400,800.00

The PSA has indicated that the existing water system is adequate for the proposed domestic daily supply volume. PSA hydrant testing indicates that fire flow rates and residual pressures are marginal in the area. Domestic peak flow design requirements will be 110 gpm for the proposed 64 unit development and the hydrant test results indicate that this demand can be met with an acceptable system residual pressure. The agent will provide system modeling and analysis and coordinate with the Emergency Services Coordinator for fire flow service and with the PSA for peak service flow conditions. Sewer service required fees are included in the combined water and sewer fee estimate above.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

PO BOX 3071

SALEM, VA 24153-0560

GREGORY A. WHIRLEY
COMMISSIONER

August 28, 2013

Mr. John T. Neel, P.E.
Gay and Neel, Inc.
1260 Radford Street
Christiansburg, VA 24073

RE: **Elliston/Lafayette School Site
Route 11/460, Roanoke Road
Montgomery County
Concept Plan**

Dear Mr. Neel:

We have reviewed the concept plan you have submitted for the above referenced site. The right in / right out entrance will be allowed as a second entrance to site provided development plans are in conformance with the concept plan and narrative contained in the accompanying letter dated August 14, 2013.

If you have any questions please do not hesitate to call me. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Douglas E. Burton".

Douglas E. Burton, P.E.
NRV Area Land Use Engineer

Cc: Mr. Steve Sandy, Montgomery County

Application to Planning Commission and Board of Supervisors

Application For: (check appropriate boxes) <input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Rezoning & Special Use Permit <input type="checkbox"/> Special Use Permit	
Owner/Applicant Information: (Use current mailing/contact information for <u>all</u> property owners. An additional sheet may be attached for multiple owners.)	
Property Owner: <u>SHAH Development, LLC</u>	Agent: <u>Gay and Neel, Inc.</u>
Address: <u>P.O. Box 1499</u> <u>Christiansburg, VA 24068</u>	Address: <u>1260 Radford Street</u> <u>Christiansburg, VA 24073</u>
Phone 1: <u>(540) 382-2981, ext. 1221</u>	Phone 1: <u>(540) 381-6011</u>
Phone 2: <u>(540) 239-2998</u>	Phone 2: <u>(540) 381-2773 (fax)</u>
Email: <u>trutledge@shelor.com</u>	Email: <u>mtomlinson@gayandneel.com</u>
Location of Property/ Site Address: <u>5201 Tango Lane, Christiansburg, VA</u>	
Legal Record of Property: Total Area: <u>8.01</u> Acres Magisterial District _____	
Parcel ID: <u>070690</u> Tax Parcel Number(s): <u>060-1 A</u>	
Rezoning Details: Current Zoning District: <u>A1</u> Requested Zoning District: <u>RM-1</u>	
Desired Use(s): <u>Multi-Family Residential (Townhouses)</u>	
Special Use Permit: Current Zoning District _____ Total Area/Acres: _____	
Desired Use(s): _____	
Comprehensive Plan Designation: <u>Planned Light Industrial/Commercial</u>	
Traffic Impact Analysis Required: <input type="checkbox"/> Yes (payment enclosed) <input checked="" type="checkbox"/> No	
<i>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.</i>	
<u>DAVID L. HAGAN, MANAGING MEMBER</u> <u>9/3/13</u>	<u>Matt R. Ford</u> <u>9/3/13</u>
Property Owner(s) Signature Date	Agent's Signature Date

FOR OFFICE USE ONLY

Date Received: _____ Application Number: _____

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

October 2, 2013

Steve Sandy
Planning Director
Montgomery County Department of
Planning and GIS Services
755 Roanoke Street, Suite 2A
Christiansburg, VA 24073-3177



Subject: SHAH Development Plan Amendment Request

Dear Mr. Sandy,

After attending a project review hosted by SHAH Development, LLC, and Gay and Neel, Inc. on September 30, 2013, we have decided to withdraw our letter of September 9, 2013, attached.

Although we continue to believe that the Light Industrial/Commercial designation would be in our future best interest we would support the change recommended by you to "mixed use".

Our support, however, is contingent on approval and implementation of the 64 Townhouses as shown in the plan described by SHAH Development, which are to be priced in the \$150,000 to \$200,000 range. SHAH Development has also committed that they fully intend to sell all units and establish a Home Owners Association modeled after other successful SHAH Development projects.

We would also encourage you and the Board of Supervisors to support SHAH Development's request to vacate the previous school entrance so that a turn around area could be included for school buses, service vehicles, emergency vehicles and other traffic.

Adjoining property owners have also asked SHAH to pursue the closing of the footbridge on "Old Roanoke Road" until future county recreational development can be completed and current perceived public safety issues can be corrected. We ask that you and the Board of Supervisors support this request also.

SHAH Development's "Good Faith" effort to include the adjoining landowners in the project development plan is greatly appreciated and we believe that they intend to build a high quality Town Home Community.

Thank you for your consideration of this change in our position and please forward this letter to the Board of Supervisors and other interested parties.

Sincerely,



Margaret M. DuBois

Winston J. and Margaret M. DuBois
Owners: 9694 Roanoke Rd.
Elliston, VA
Mailing address:
1922 Tucker Lane
Roanoke, VA 24143-7102

CC: Jack E. and Sylvia H. Reed, 6120 North Fork Rd., P.O. Box 164,
Elliston, VA 24087
Jake H. Fridley, 5216 Tango LN, Elliston, VA 24087
Douglas H. and Ginger M. Smith, 5221 Tango LN, Elliston, VA 24087
Albert E. Carrier, 9820 Roanoke Rd., Elliston, VA 24087
Donald E. Melton, 9700 Roanoke Rd., Elliston, VA 24087
Jason DuBois, 9694 Roanoke Rd., Elliston, VA 24087
SHAH Development, LLC., P. O. Box 1499, Christiansburg, VA 24068
Attention: David Hagan
Gay and Neel, Inc., 1260 Radford Street, Christiansburg, VA 24073
Attention: John Neel and Matt Tomlinson

September 9, 2013

Steve Sandy
Planning Director
Montgomery County Department of
Planning and GIS Services
755 Roanoke Street, Suite 2A
Christiansburg, VA 24073-3177

Subject: Comprehensive Plan Amendment Request

Dear Mr. Sandy,

Thank you for your September 6, 2013 memorandum concerning the SHAH Development request to change the property described in your memorandum from Light Industrial/Commercial to Medium Density Residential or Mixed Use.

As the owners of the property at 9694 Roanoke Road we wish to advise the Planning Commission and the Board of Supervisors that we are adamantly opposed to any change to the current designation.

We ask that the SHAH request be rejected for the following reasons:

- SHAH was aware of the Light Industrial/Commercial designation when the property was purchased.
- The group of properties, under consideration for re-designation, is ideally situated for Light Industrial/Commercial Land use between Highway 11/460 and the railroad with long frontage/access to both.
- Re-designation of any of these properties will reduce the attractiveness, functionality and value of each individual property, as well as the whole.
- The current designation will provide a much greater opportunity for Job Creation than the requested change.
- Light Industrial/Commercial use will provide a superior long-term tax base with significantly less requirement for public services.

It is our belief that the highest value, growth and return for the landowner and Montgomery County in both the short and long term are in the current designation.

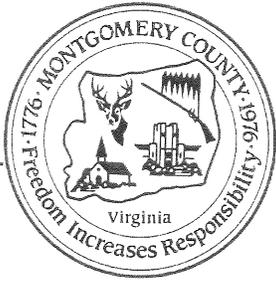
Please forward this letter to all members of the Planning Commission, Board of Supervisors and other interested parties as soon as possible and prior to the September 11, 2013 public hearing.

Thank you for your consideration of our request.

Sincerely,

Winston J. and Margaret M. DuBois
Owners: 9694 Roanoke Rd.
Elliston, VA
Mailing address:
1922 Tucker Lane
Roanoke, VA 24143-7102

CC: Jack E. and Sylvia H. Reed, 6120 North Fork Rd., Elliston, VA 24087
Jake H. Fridley, 5216 Tango LN, Elliston, VA 24087
Douglas H. and Ginger M. Smith, 5221 Tango LN, Elliston, VA 24087
Albert E. Carrier, 9820 Roanoke Rd., Elliston, VA 24087
Donald E. Melton, 9700 Roanoke Rd., Elliston, VA 24087
Jason DuBois, 9694 Roanoke Rd., Elliston, VA 24087



MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Planning Commission

FROM: Planning Staff *BA*

DATE: October 2, 2013

RE: **Agricultural & Forestal District #7 (Wilson/Den Creek) Renewal**

I. General Purpose

Agricultural & Forestal Districts (AFD's) are rural areas reserved for the production of agricultural products and timber as important economic and environmental resources. They are established according to state guidelines at the initiative of individual landowners and the approval of the Board of Supervisors. Participating landowners relinquish some development rights, for a period of eight years, in return for increased protection and possible real estate tax benefits. All residents benefit from good stewardship of the land and from the reduced demand to extend urban public services into rural areas of the County.

II. Background – District #7 (Wilson/Den Creek)

AFD 7 is generally located in the central portion of Montgomery County and is in the vicinity of Ellett Rd. (Rt. 723) and Den Hill Rd. (Rt. 641). The district was originally established in October of 1981 and was last renewed by ordinance adoption in 2005. This district is currently under review for another eight year term. Currently, AFD 7 consists of 9 property owners and approximately 2564.1 acres (see Table 1 below).

One (1) property owner is proposing an addition of 298.8 acres. With the proposed addition the total acreage for the district for the next eight year term would be 2862.9 acres. Please see the attached map for the location of the properties.

III. Agricultural and Forestal Advisory Committee Review & Recommendation

The AFD Advisory Committee met on August 6, 2013 and September 5, 2013 to discuss the renewal request for AFD 7 (Wilson/Den Creek) and to conduct a field visit of the District. The minutes from the September 5, 2013 meeting are attached for review.

Members discussed the need for property owners to have conservation and/or forestry plans on file for property within the AFD. It was noted that those owners with forestal lands participating in the Land Use Program had forestry management plans on file; however, there were few plans for the remaining properties. The members discussed various methods to assist owners with obtaining plans in order to meet AFD requirements.

The consensus of the members present was that all conditions for renewal had been met and all properties that requested to renew or be added should be included in the next eight year renewal of the aforementioned district provided all the necessary plans were received by the Planning Department.

Therefore, on a motion by Mr. Bob Miller, duly seconded by Mr. Politis and carried unanimously (Obiso and McElfresh absent), the committee voted to recommend approval of the renewal and additions of the parcels shown in "Table A" below for a period of eight (8) years. The total acreage to be included in AFD 7 (Wilson/Den Creek) for the upcoming eight year term would be 2,862.9118 acres involving 25 parcels. In addition, the committee voted to require property owners without plans on file with the County, be given until December 31, 2014 to comply with AFD plan submittal requirements.

IV. Action by Planning Commission

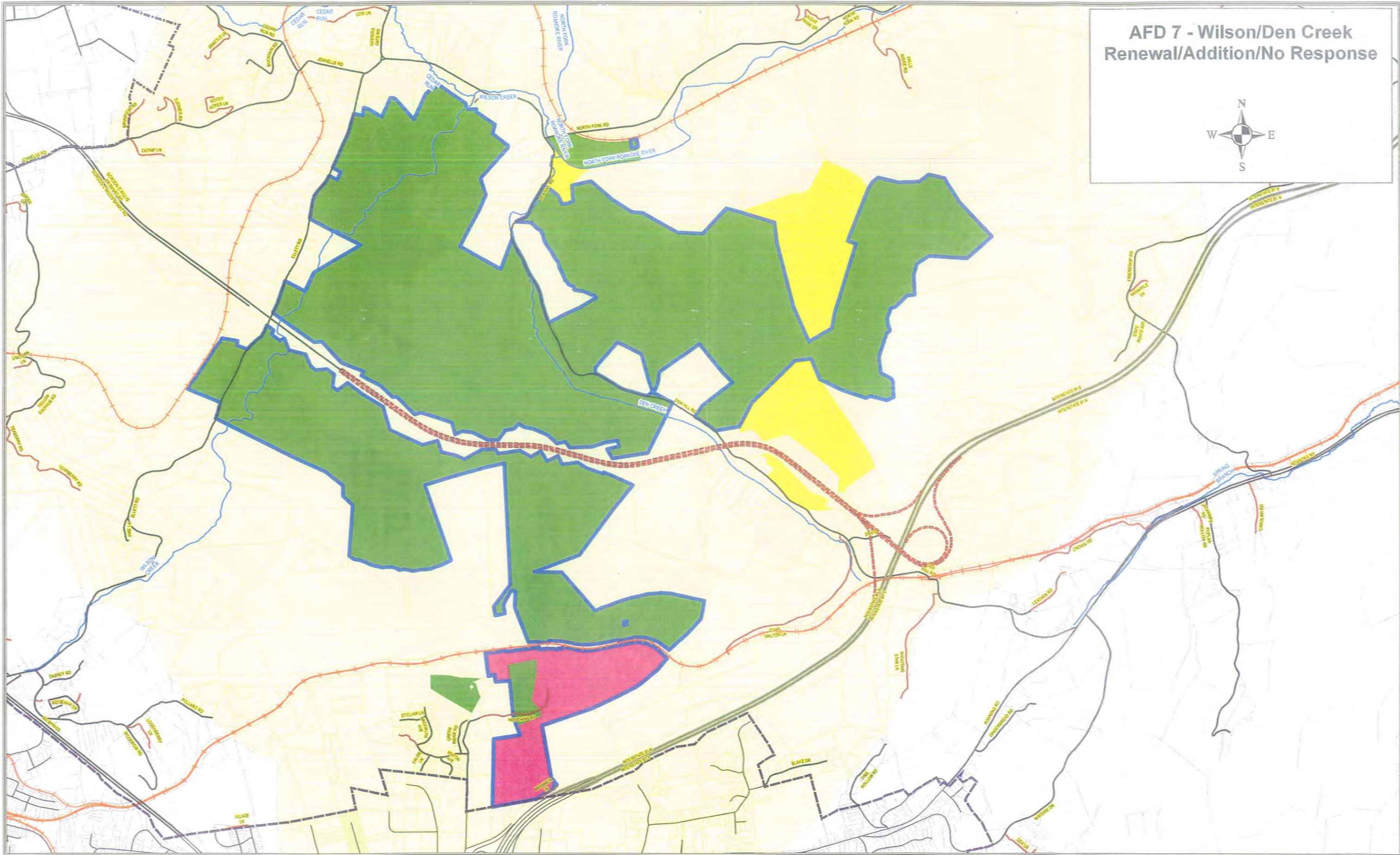
The Planning Commission is responsible for reviewing the AFD Advisory Committee recommendation for renewal of the district, conducting a public hearing, and then making a recommendation to the Board of Supervisors. Planning Staff recommends that the Planning Commission accept the AFD Advisory Committee's recommendation and forward it on to the Board of Supervisors. The Board of Supervisors is scheduled to hold a public hearing on the renewals on October 28th and take official action at their November 13, 2013 meeting.

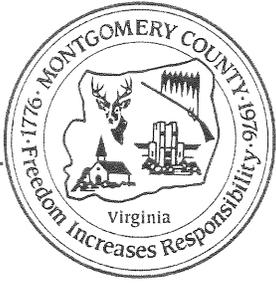
Table A

PARCEL_ID	OWNER1	ACRES
001995	Adelia Arrington	223.082
018598	Julia S Milton & Stewart Milton	38.8
018593	Julia S Milton	355.758
010356	Richard G Ballengee Tr	152.5
024624	Michael E Snyder	22.808
010028	Michael E Snyder	6
026090	Michael E & Kristi W Snyder	103.4795
090196	Michael E & Kristi W Snyder	4.7933
000805	Michael E Snyder	406.787
030150	Stacy Anne Snyder	220.76
080560	John C Lipsey Estate C/O Lynn Lipsey Executor	159.035
011268	John C Lipsey Estate C/O Lynn Lipsey Executor	455.842
012909	Ena J Blake Moles Heirs C/O Jerry Allen Moles	31.92
012910	Ena J Blake Moles Heirs C/O Jerry Allen Moles	38.8
012904	Ena J Blake Moles Heirs C/O Jerry Allen Moles	131.561
012911	Ena J Blake Moles Heirs C/O Jerry Allen Moles	23.8
002684	Stephen J & Revonda B Brumfield	124.88
170248	Stephen J & Revonda B Brumfield	16.5
033688	Gary B Quesenberry	46.99
030055	Michael E Snyder	109.179
013693	Michael E Snyder	157.427
018319	Michael E Snyder	4
015335	Michael E Snyder	18.35
018320	Michael E Snyder	0.6
018318	Michael E Snyder	9.26
	Total Acreage	2862.9118

Enclosures: Map of AFD #7- Prepared August 5, 2013

AFD 7 - Wilson/Den Creek Renewal/Addition/No Response





MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Planning Commission

FROM: Planning Staff *BA*

DATE: October 1, 2013

RE: **Agricultural & Forestal District #9 (Elliston/Pedlar Hills) Renewal**

I. General Purpose

Agricultural & Forestal Districts (AFD's) are rural areas reserved for the production of agricultural products and timber as important economic and environmental resources. They are established according to state guidelines at the initiative of individual landowners and the approval of the Board of Supervisors. Participating landowners relinquish some development rights, for a period of eight years, in return for increased protection and possible real estate tax benefits. All residents benefit from good stewardship of the land and from the reduced demand to extend urban public services into rural areas on the County.

II. Background – District #9 (Elliston/Pedlar Hills)

AFD 9 is generally located in the western portion of Montgomery County and is in the vicinity of Roanoke Rd (Rt. 11/460) and Seneca Hollow Rd. (Rt. 636). The district was originally established in September of 1982 and was last renewed by ordinance adoption in 2005. This district is currently under review for another eight year term. Currently, AFD 9 consists of 18 property owners and approximately 4792 acres.

One property owner has proposed an addition of 3 acres to be combined with existing parcels. Two property owners have requested withdrawal of their property for the upcoming term. Those withdrawals would remove approximately 105.35 acres from AFD 9 (Elliston/Pedlar Hills). With the proposed addition and withdrawals the total acreage for the district for the next eight year term would be approximately 4686 acres. Please see the attached map for the location of the properties.

III. Agricultural and Forestal Advisory Committee Review & Recommendation

The AFD Advisory Committee met on August 6, 2013 and September 5, 2013 to discuss the renewal request for AFD 9 (Elliston/Pedlar Hills) and to conduct a field visit of the District. The minutes from the September 5, 2013 meeting are attached for review.

Members discussed the need for property owners to have conservation and/or forestry plans on file for property within the AFD. It was noted that those owners with forestal lands participating in the Land Use Program had forestry management plans on file; however, there were few plans for the remaining properties. The members discussed various methods to assist owners with obtaining plans in order to meet AFD requirements.

The consensus of the members present was that all conditions for renewal had been met and all properties that requested to renew or be added should be included in the next eight year renewal of the aforementioned district provided all the necessary plans were received by the Planning Department.

Therefore, on a motion by Mr. Bob Miller, seconded by Mr. Garrett and carried unanimously (Obiso and McElfresh absent), the committee voted to recommend approval of the renewal and additions of the parcels shown in "Table A" below for a period of eight (8) years. Two (2) small parcels (see * in Table A) were not included in the recommendation due to their size, inability to be utilized for agriculture/forestral purposes, and lack of owner's response during the renewal period. The Committee further recommends that the "outlier parcels", highlighted in "Table A" be included in AFD 9(Elliston/Pedlar Hills), per section § 15.2-4305 of the Code of Virginia, for their agricultural and forestall significance to Montgomery County. Furthermore, these parcels were also determined to be in areas designated in the Montgomery County Comprehensive Plan as Resource Stewardship or Rural on the future land use map. Therefore, the total acreage to be included in AFD 9 (Elliston/Pedlar Hills) for the upcoming eight year term would be a total of 4688.117 acres involving 31 parcels. In addition, the committee voted to require property owners without plans on file with the County, be given until December 31, 2014 to comply with AFD plan submittal requirements.

IV. Action by Planning Commission

The Planning Commission is responsible for reviewing the AFD Advisory Committee recommendation for renewal of the district, conducting a public hearing, and then making a recommendation to the Board of Supervisors. Planning Staff recommends that the Planning Commission accept the AFD Advisory Committee's recommendation and forward it on to the Board of Supervisors. The Board of Supervisors is scheduled to hold a public hearing on the renewals on October 28th and take official action at their November 13, 2013 meeting.

Table A

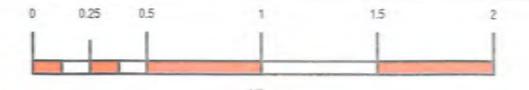
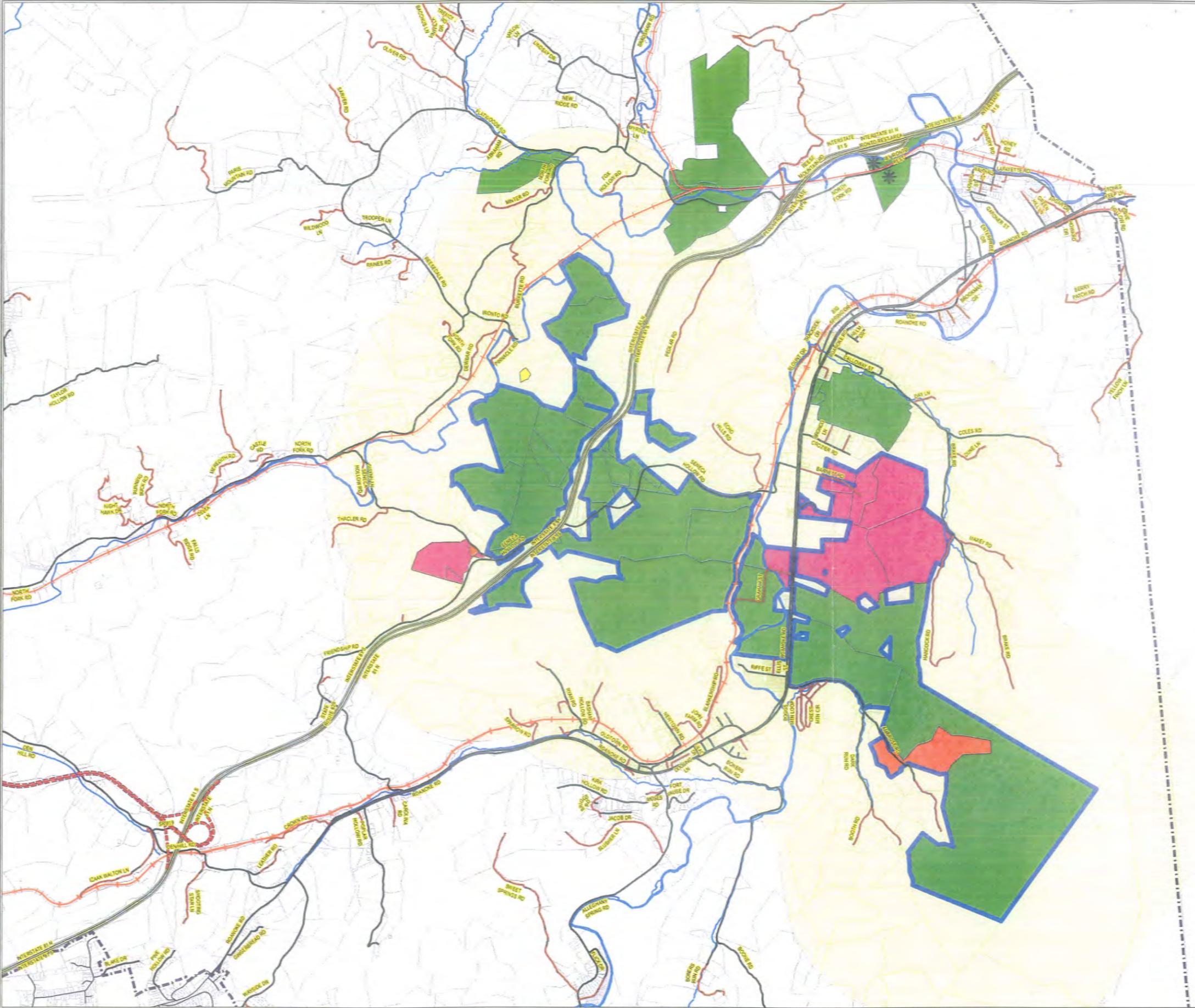
PARCEL_ID	OWNER1	ACRES
030634	Justin S Askins	140.5000
002212	Lowell Elmer Bower Et Al	325.4790
008617	Sally H Brammer	60.1200
008618	Sally H Brammer	74.1000
020608	Sally H Brammer	132.0000
011871	John G & Donna A Conner Le	57.1380
030098	John G & Donna A Conner Le	18.4130
013680	Fotheringay Llc	188.1000
013681	Fotheringay Llc	37.8240
013682	Fotheringay Llc	15.3000
013683	Fotheringay Llc	60.7000
013684	Fotheringay Llc	304.4000
007386	Graham Farm & Rentals Llc	380.0000
007387	Graham Farm & Rentals Llc	145.0000
007382	Joyce L Graham	0.2000
007385	Joyce L Graham	7.0000
013169	Randolph Howard Leech & Irene Ellis	73.2090
008419	Madison E Marye Rev Trust	291.7000

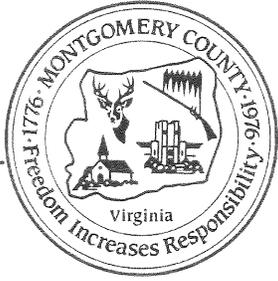
AFD 9 Renewal

011962	Madison E Marye Rev Trust The	263.1750
120046	Madison E Marye Rev Trust The	1.0000
032862	James Madison Marye & Charlotte M Hawes	909.5060
080620	MB Development LLC	67.7600
018586	Julia S Milton	60.9350
018588	Julia S Milton	711.4900
018590	Julia S Milton	95.0000
018592	Julia S Milton	7.6790
018596	Julia S Milton	202.5890
018600	Julia S Milton	46.7900
011021	Holly R Sutphin	6.0100
130923	Andrea Weddle	2.0000
013256	Sally H Brammer	3.0000
	Total Acreage	4688.117
	Parcels to be Removed	
*160186	Montgomery County PSA	0.23
*015680	Jr Grant	0.12

Enclosures: Map of AFD #9- Prepared August 5, 2013

AFD 9 - Elliston/Pedlar Hills
Renewal/Withdrawal/Addition/No Response





MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Planning Commission

FROM: Planning Staff *BA*

DATE: September 30, 2013

RE: **Agricultural & Forestal District #10 (Mount Tabor) Renewal**

I. General Purpose

Agricultural & Forestal Districts (AFD's) are rural areas reserved for the production of agricultural products and timber as important economic and environmental resources. They are established according to state guidelines at the initiative of individual landowners and the approval of the Board of Supervisors. Participating landowners relinquish some development rights, for a period of eight years, in return for increased protection and possible real estate tax benefits. All residents benefit from good stewardship of the land and from the reduced demand to extend urban public services into rural areas of the County.

II. Background – District #10 (Mount Tabor)

AFD 10 is generally in the northern portion of Montgomery County west of the Town of Blacksburg and is in the vicinity of Mount Tabor Rd (Rt. 624) and Bishop Rd. (Rt. 648). The district was originally established in October of 1982 and was last renewed by ordinance adoption in 2005. Currently, AFD 10 consists of 16 property owners and approximately 893.95 acres.

One property owner has proposed an addition of 21.5164 acres. With the proposed addition the total acreage for the district for the next term would be 915.2845 acres. Please see the attached map for the location of the properties (AFD #10 properties shown in blue).

III. Analysis

During the district renewal and review process, staff spoke to the AFD committee about section § 15.2-4305 of the Code of Virginia. This section of the code, which governs the eligibility of parcels in AFD districts states:

Each district shall have a core of no less than 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one mile of the boundary of the core, (ii) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core, or (iii) if the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land.

Staff and the AFD committee reviewed the previous boundaries and buffer areas associated with AFD 10, and found that there were parcels which fell outside of the above referenced one mile boundary, and were not contiguous to a parcel in the district, with the nearest boundary not being within one mile of the boundary of the core. Many of those parcels were contiguous with parcels located in the nearby AFD 2 (Catawba) district. Once the properties that fell outside the AFD 10 buffer area were transferred to the AFD 2 (Catawba) district, one contiguous district was created with no outliers. Therefore, the committee determined that it would be prudent to combine AFD 10 with the AFD 2 (Catawba) district.

“Table A”, shown below provides a complete listing of the property owners and corresponding acreages that are proposed for renewal in AFD 10 for the upcoming term. If the districts are combined, there would be a total of forty-eight (48) land owners and approximately 6,780 acres comprising the new district. The parcels within the current AFD #10 would need to be renewed for a period of six (6) years to allow the renewal to coincide with the AFD #2 district.

IV. Agricultural and Forestal Advisory Committee Recommendation

On a motion by Mr. Bob Miller, seconded by Mr. Politis, and carried unanimously (McElfresh and Obiso absent) the AFD advisory committee voted to recommend combining the parcels listed below in Table A (consisting of 28 parcels, totaling 915.2845 acres) with AFD#2 (Catawba), thereby eliminating AFD #10 (Mount Tabor). In addition, the Committee recommends that the parcels in Table A be renewed for a period of six (6) years to correspond to the renewal cycle of AFD#2 (Catawba). Accordingly, this will result in a revised district AFD#2 (Catawba) consisting of 52 parcels totaling 6,758.38 acres with no outlying parcels.

V. Action by Planning Commission

The Planning Commission is responsible for reviewing the AFD Advisory Committee recommendation for renewal of the district, conducting a public hearing, and then making a recommendation to the Board of Supervisors. Planning Staff recommends that the Planning Commission accept the AFD Advisory Committee’s recommendation and forward it on to the Board of Supervisors. The Board of Supervisors is scheduled to hold a public hearing on the renewals on October 16th and take official action at their November 13, 2013 meeting.

TABLE A: AFD 10 PROPERTY OWNERS AND ACREAGES

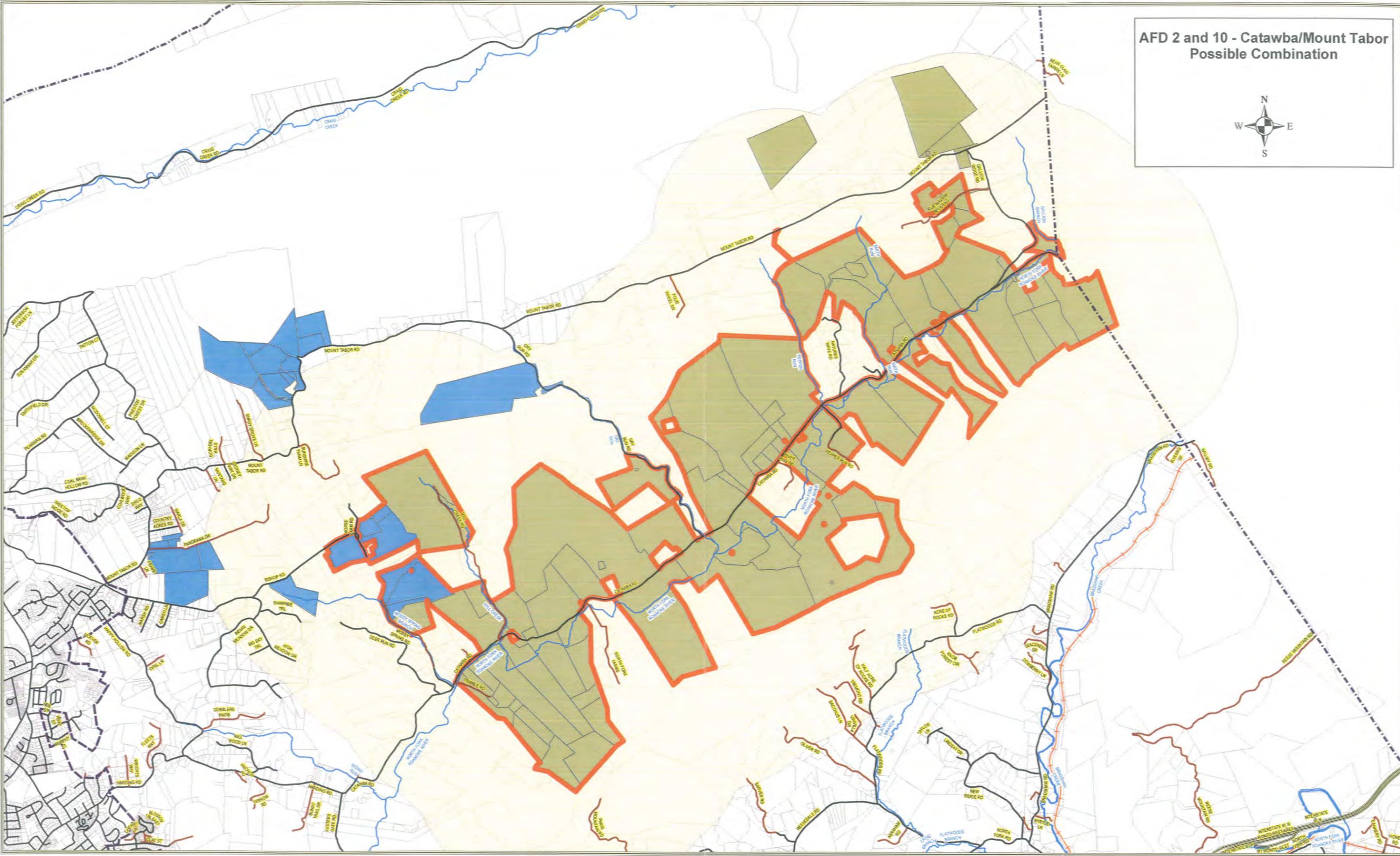
PARCEL_ID	OWNER	ACRES
004082	Johnny Lee & Flora Cox	57.2890
010527	Virginia E Cox Life Estate C/O Mildred C Lafon	9.4740
004928	Dessy Living Trust C/O Raymond E & Annabelle Dessy	34.3000
110873	David L Emanuel & Deborah E. Hammond	15.0000
033276	Eversole Dan E	40.6330
006739	Joshua B Fugate Le Etal C/O Sharon Linkous Etal	184.2940
009443	James L & Phyllis M Hutton	15.0830
026945	James L & Phyllis M Hutton	37.0170
024588	Robert M & Donna Thomas Jones	37.1930
024591	Robert M & Donna Thomas Jones	9.2450
025407	Robert M & Donna Thomas Jones	21.2000

AFD 10 Renewal

025714	Robert M & Donna Thomas Jones	4.5160
025795	Robert M & Donna Thomas Jones	0.7280
010526	Aaron L & Jeannie Lafon	3.7280
004081	Mildred Cox Lafon	1.0000
150069	Mildred Cox Lafon	50.0000
150070	Mildred Cox Lafon	21.3150
024590	Margaret Mcgraw Slayton Liv Tr	89.1260
028993	J Phillip Pickett Rev Trust	20.2120
016722	John C Schug	62.7800
019473	D Phillip & Torsten D. Sponenberg	12.8000
019476	D Phillip & Torsten D. Sponenberg	84.3000
019477	D Phillip & Torsten D. Sponenberg	23.1530
024589	Thomas W & Bonnie B Triplett	32.4890
025406	Thomas W & Bonnie B Triplett	10.5210
026225	Thomas W & Bonnie B Triplett	1.7520
027723	Thomas W & Bonnie B Triplett	4.6210
110874	Carl E Zipper	10.0000
033708	Carl E Zipper	21.5164
	Total Acreage	915.2854

Enclosures: Map of AFD #2 & #10 Catawba/Mount Tabor-Prepared August 26, 2013

AFD 2 and 10 - Catawba/Mount Tabor
Possible Combination



Map Prepared by Montgomery County, Va
Planning and GIS Services, 8/26/2013

Legend

 AFD 2 - CATAWBA	 AFD 2 and 10 Combination Core	 Buffer of AFD 2 and 10 Combination Core
 AFD 10 - MOUNT TABOR		



AT A MEETING OF THE ADVISORY COMMITTEE ON AGRICULTURAL AND FORESTAL DISTRICTS (AFD's) BEGINNING AT THE GOVERNMENT CENTER IN CHRISTIANSBURG, VIRGINIA ON SEPTEMBER 5, 2012 AT 5:00 PM:

Present: Britt Boucher, Chairman
Bob Styne, Vice-Chairman
Bob Miller, Member
John Garrett, Member
Tom Loflin, Member
Greg Miller, Member
Steve Sandy, Planning Director
Brea Hopkins, Development Planner
Tom Bland, County Assessor
Jim Politis, Board of Supervisors Liasion
Joel Donahue, Planning Commission Liaison

Absent: Richard Obiso, Member
Will McElfresh, Member

Mr. Boucher opened the meeting by reviewing the items of business that were on the agenda.

Mr. Boucher stated that the committee had reconvened from the last meeting on August 6, 2013, to discuss potential tax incentives for AFD districts, plan submittal requirements, and the renewal of AFD districts 7, 9, and 10.

Tax Incentives for AFD properties

Mr. Sandy stated AFD Committee has discussed the need for incentives to encourage property owners to remain or join Agricultural Forestal Districts and requested staff to research incentives offered by counties across the state. It was discovered the majority of localities do not offer any additional tax incentive for properties within their AFD districts. Two (2) localities no longer offer land use programs; therefore, only properties within their AFD districts have continued to receive land use assessment. Another locality requires members of its land use program to also be part of an AFD district. Loudoun County offers a "sliding scale" option to participants of its land use program; however, they do not have any tax incentives for participants of the AFD program.

Based on findings and after consulting state code it appears that Montgomery County has the following tax relief options for AFD properties:

1. Continue as is with no additional tax incentive for AFD properties; if the county decides to rescind general land use value assessment, landowners in Districts would continue to pay land use value assessment as long as the land continued to meet state eligibility standards.
2. State code allows sliding scale taxation and/or assessment per Section 58.1-3231.
3. Require properties in Land Use to participate in the AFD district program.

He noted that other tools could be useful in promoting and educating citizens/property owners about the benefits of participating in an AFD program such as brochures, handouts, etc.

Mr. Loflin stated that he thought that the committee and board should do whatever they could do to facilitate a tax advantage for AFD participants. He further stated that even if property owners didn't follow their plans, he felt their participation was an advantage to the County.

Mr. Styne stated the AFD needed to be emphasized and suggested a tiered incentive approach.

Mr. Bland stated that the eight year commitment made by AFD participants is significant and something to consider.

Mr. Boucher stated it would be beneficial to look at the AFD, Land Use, and Conservation Easement programs to see how they could work together to benefit participants.

On a motion duly seconded and carried by a 7-0 vote, (McElfresh and Obiso absent), the committee voted to request the Board of Supervisors complete a comprehensive study of the AFD Program and Land Use Value Assessment Program. The study should evaluate the goals of each of the current programs and determine if enhanced financial incentives can be created for properties in AFD or if the AFD and Land Use Value Assessment Program can be combined based on enabling legislation in the Code of Virginia.

Plan Requirements for Participation in AFD Program

Mrs. Hopkins stated the AFD committee discussed plan requirements at their last meeting. Montgomery County Code Section 2-152(d) states "...During its review, the advisory committee shall determine that the landowner has a conservation plan or forestry management plan to guide his stewardship of the land and that best management practices and measures are being carried out.". The Montgomery County Land Use Program requires that a Forestry Management or Forestry Stewardship plan be on file for properties designated as forestal in order to participate in the program; however, owners receiving land use assessment for agricultural purposes are not required to submit a plan. She presented spreadsheets for each district being renewed in the 2013 year to clarify which properties have a forestry plan on file and noted sixteen (16) of the forty-three (43) property owners have a forestry management plan on file with the Commissioner of Revenue. The remaining owners have lands that are designated agricultural or do not participate in the Land Use Program. She noted Skyline Soil and Water; and the Natural Resource Conservation Services have confirmed that part of their service is to provide Best Management Practices plans for agriculture landowners at minimal/no charge. Staffing at these agencies is limited. The Department of Forestry is also a resource for obtaining forestry management plans; however, there is a minimum charge of \$200 per plan. In addition, the County Code allows owners to prepare their own conservation and forestry management plans with approval of the AFD Advisory Committee.

The committee discussed providing assistance or "sample plans" to owners who desire to prepare their own. There were concerns that if plans were required and had to be paid for by the owners, property would be withdrawn from the AFD districts since there was not any incentive to remain within the district.

Mr. Boucher stated he and Mr. McElfresh could assist staff with developing a "sample plan" or questionnaire to serve as a plan for those owners who do not have one on file.

On a motion duly seconded and carried by a 7-0 vote, (McElfresh and Obiso absent), the committee voted to form a committee consisting of staff, Mr. Boucher, and Mr. McElfresh to prepare a sample plan or user friendly form for property owners without plans on file. In addition, staff will prepare and send notice to all property owners that a plan will be required.

Renewal of Agricultural and Forestal District #7 (Wilson/Den Creek)

Mr. Sandy discussed the following list of parcels for renewal.

PARCEL_ID	OWNER1	ACRES
001995	Adelia Arrington	223.082
018598	Julia S Milton & Stewart Milton	38.8
018593	Julia S Milton	355.758
010356	Richard G Ballengee Tr	152.5
024624	Michael E Snyder	22.808
010028	Michael E Snyder	6
026090	Michael E & Kristi W Snyder	103.4795
090196	Michael E & Kristi W Snyder	4.7933
000805	Michael E Snyder	406.787
030150	Stacy Anne Snyder	220.76
080560	John C Lipsey Estate C/O Lynn Lipsey Executor	159.035
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012910	Ena J Blake Moles Heirs C/O Jerry Allen Moles	38.8
012904	Ena J Blake Moles Heirs C/O Jerry Allen Moles	131.561
012911	Ena J Blake Moles Heirs C/O Jerry Allen Moles	23.8
002684	Stephen J & Revonda B Brumfield	124.88
170248	Stephen J & Revonda B Brumfield	16.5
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030055	Michael E Snyder	109.179
013693	Michael E Snyder	157.427
018319	Michael E Snyder	4
015335	Michael E Snyder	18.35
018320	Michael E Snyder	0.6
018318	Michael E Snyder	9.26
	Total Acreage	2862.9118

On a motion by Mr. Bob Miller, duly seconded by Mr. Politis and carried unanimously (Obiso and McElfresh absent), the committee voted to recommend approval of the renewal and additions of the parcels for a period of eight (8) years. The total acreage to be included in AFD 7 (Wilson/Den Creek) for the upcoming eight year term would be 2,862.9118 acres involving 25 parcels. In addition, the committee voted to require property owners without plans on file with the County, be given until December 31, 2014 to comply with AFD plan submittal requirements.

Renewal of Agricultural and Forestal District #9 (Elliston/Pedlar Hills)

Mr. Sandy discussed the following list of parcels for renewal. He noted there were two outlying parcels within this district that appeared highlighted on the table. Staff was also recommending the removal of

two smaller parcels (less than ¼ acre). Due to the size of the properties there is not a potential for agricultural or forestal activities. The property owners did not apply for renewal of those parcels.

PARCEL_ID	OWNER1	ACRES
030634	Justin S Askins	140.5000
002212	Lowell Elmer Bower Et Al	325.4790
008617	Sally H Brammer	60.1200
008618	Sally H Brammer	74.1000
020608	Sally H Brammer	132.0000
011871	John G & Donna A Conner Le	57.1380
030098	John G & Donna A Conner Le	18.4130
013680	Fotheringay Llc	188.1000
013681	Fotheringay Llc	37.8240
013682	Fotheringay Llc	15.3000
013683	Fotheringay Llc	60.7000
013684	Fotheringay Llc	304.4000
007386	Graham Farm & Rentals Llc	380.0000
007387	Graham Farm & Rentals Llc	145.0000
007382	Joyce L Graham	0.2000
007385	Joyce L Graham	7.0000
013169	Randolph Howard Leech & Irene Ellis	73.2090
008419	Madison E Marye Rev Trust	291.7000
011962	Madison E Marye Rev Trust The	263.1750
120046	Madison E Marye Rev Trust The	1.0000
032862	James Madison Marye & Charlotte M Hawes	909.5060
080620	MB Development LLC	67.7600
018586	Julia S Milton	60.9350
018588	Julia S Milton	711.4900
018590	Julia S Milton	95.0000
018592	Julia S Milton	7.6790
018596	Julia S Milton	202.5890
018600	Julia S Milton	46.7900
011021	Holly R Sutphin	6.0100
130923	Andrea Weddle	2.0000
013256	Sally H Brammer	3.0000
	Total Acreage	4688.117
	Parcels to be Removed	
*160186	Montgomery County PSA	0.23
*015680	Jr Grant	0.12

On a motion by Mr. Bob Miller, seconded by Mr. Garrett and carried unanimously (Obiso and McElfresh absent), the committee voted to recommend approval of the renewal, removal, and additions of the parcels discussed for a period of eight (8) years. The Committee further recommends that the "outlier parcels" be included in AFD 9(Elliston/Pedlar Hills), per section § 15.2-4305 of the Code of Virginia, for their agricultural and forestall significance to Montgomery County. Furthermore, these parcels were also determined to be in areas designated in the Montgomery County Comprehensive Plan as Resource Stewardship or Rural on the future land use map. Therefore, the total acreage to be included in AFD 9 (Elliston/Pedlar Hills) for the upcoming eight year term would be a total of 4688.117 acres involving 31 parcels. In addition, the committee voted to require property owners without plans on file with the County, be given until December 31, 2014 to comply with AFD plan submittal requirements.

Renewal of Agricultural and Forestal District #10 (Mt. Tabor)

Mr. Sandy reviewed the parcels being considered for renewal. Staff has studied boundaries and buffer areas associated with AFD 10, and found that there were parcels which fell outside of the above referenced one mile boundary, and were not contiguous to a parcel in the district, with the nearest boundary not being within one mile of the boundary of the core. Many of those parcels were contiguous with parcels located in the nearby AFD 2 (Catawba) district. Once the properties that fell outside the AFD 10 buffer area were transferred to the AFD 2 (Catawba) district, one contiguous district could be created with no outliers. He suggested the Committee consider combine the two districts by renewing the parcels in AFD #10 for a six year period to allow the term to coincide with AFD #2. If the districts are combined, there would be a total of forty-eight (48) land owners and approximately 6,780 acres comprising the new district.

PARCEL_ID	OWNER	ACRES
004082	Johnny Lee & Flora Cox	57.2890
010527	Virginia E Cox Life Estate C/O Mildred C Lafon	9.4740
004928	Dessy Living Trust C/O Raymond E & Annabelle Dessy	34.3000
110873	David L Emanuel & Deborah E. Hammond	15.0000
033276	Eversole Dan E	40.6330
006739	Joshua B Fugate Le Etal C/O Sharon Linkous Etal	184.2940
009443	James L & Phyllis M Hutton	15.0830
026945	James L & Phyllis M Hutton	37.0170
024588	Robert M & Donna Thomas Jones	37.1930
024591	Robert M & Donna Thomas Jones	9.2450
025407	Robert M & Donna Thomas Jones	21.2000
025714	Robert M & Donna Thomas Jones	4.5160
025795	Robert M & Donna Thomas Jones	0.7280
010526	Aaron L & Jeannie Lafon	3.7280
004081	Mildred Cox Lafon	1.0000
150069	Mildred Cox Lafon	50.0000
150070	Mildred Cox Lafon	21.3150
024590	Margaret Mcgraw Slayton Liv Tr	89.1260
028993	J Phillip Pickett Rev Trust	20.2120
016722	John C Schug	62.7800

019473	D Phillip & Torsten D. Sponenberg	12.8000
019476	D Phillip & Torsten D. Sponenberg	84.3000
019477	D Phillip & Torsten D. Sponenberg	23.1530
024589	Thomas W & Bonnie B Triplett	32.4890
025406	Thomas W & Bonnie B Triplett	10.5210
026225	Thomas W & Bonnie B Triplett	1.7520
027723	Thomas W & Bonnie B Triplett	4.6210
110874	Carl E Zipper	10.0000
033708	Carl E Zipper	21.5164
	Total Acreage	915.2854

On a motion by Mr. Bob Miller, seconded by Mr. Politis, and carried unanimously (McElfresh and Obiso absent) the AFD advisory committee voted to recommend combining the parcels within AFD #10 (consisting of 28 parcels, totaling 915.2845 acres) with AFD#2 (Catawba), thereby eliminating AFD #10 (Mount Tabor). The Committee further recommended that the parcels be renewed for a period of six (6) years to correspond to the renewal cycle of AFD#2 (Catawba). Accordingly, this will result in a revised district AFD#2 (Catawba) consisting of 52 parcels totaling 6,758.38 acres with no outlying parcels. In addition, the committee voted to require property owners without plans on file with the County, be given until December 31, 2014 to comply with AFD plan submittal requirements.

Regional Agricultural Grant Discussion

Mr. Sandy discussed the Regional Agricultural Grant mission and goals. There are six subcommittees that have been formed. Anyone interested in participating can contact staff.

There being no further business, the meeting was adjourned at 7:45 pm.



MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Planning Commission
FROM: Planning Department Staff *SA*
DATE: October 2, 2013
RE: **Preliminary & Final Plat Approval for The Villas at Cherry Lane**

Background

The Villas at Cherry Lane (formerly known as Radio Knob) is located off Clay Street at the intersection with Cherry Lane. It was rezoned to Residential (R-2) in April 1993 with three (3) proffered conditions. (See attached Ordinance 1993-4.)

A preliminary plat consisting of nine (9) lots was approved on August 13, 2008 by the Planning Commission. County code requires approval of the final plat within five (5) years; however, the final plat was not submitted for approval due to declining market demand. Since that preliminary approval, modifications were made the Residential (R2) zoning district. The setbacks for the compact development option were revised, thus requiring a reconfiguration of the proposed lots. The subdivision plat submitted for review consists of seven (7) lots.

Staff has reviewed the plat and found it to be in compliance with the proffered conditions approved in April 1993 by Ordinance 1993-4. The proffers state that "Access to the property will be only from Cherry Lane and not from Clay Street". The developer has proposed an "alley" to access all seven (7) lots and a private access easement note does appear on the plat. In addition, the proffers state the buffer zone and screening adjacent to Kessler Park will remain in effect. The plat clearly defines the buffer zone area and there is not any proposed development on that lot which will be maintained by the homeowner's association.

The proposed lots are to be served by public water and sewer provided by the Town of Blacksburg. The Town of Blacksburg has reviewed the plat and development plans. A letter dated October 1, 2013 (see attached) outlines their comments relating to the construction plans for water and sewer connections including the provisions for fire protection.

Developer – Graham Construction, Inc.
Consultant – Balzer and Associates, Inc.
PC Site Visit – September 18, 2013

Draft Resolution

Preliminary and Final Plat Approval for The Villas at Cherry Lane (Balzer & Associates, Inc., Job No. B0800018.00 dated May 5, 2008, revised August 29, 2013) is recommended for approval to the Board of Supervisors subject to the following conditions:

1. The remaining comments on the subdivision application report, dated September 6, 2013, shall be addressed prior to the County signing the plat.
2. The Virginia Department of Transportation (VDOT) shall review and approve the entrance(s) onto Cherry Lane and any associated drainage plans.
3. The Town of Blacksburg shall review and approve all public water and sewer construction plans including the provisions for fire protection described in Montgomery County Subdivision Ordinance.
4. The Emergency Services Coordinator and Blacksburg Fire Chief shall review and provide comment on proposed alley to address any public safety needs or concerns.
5. The County Engineer shall review and approve the erosion & sediment control plans.
6. The County Attorney shall review and approve the private covenants and deed restrictions, including storm water facilities maintenance and access easement maintenance agreement.
7. The County GIS Analyst shall approve new street name(s) and addresses.

Attachments: Preliminary Plat dated May 5, 2008, revised August 29, 2013
Town of Blacksburg Letter dated October 1, 2013
Montgomery County Public Schools Letter dated September 18, 2013
Subdivision Application Report dated October 2, 2013
Board of Supervisors Ordinance FY-1993-4

OWNER'S STATEMENT

THIS IS TO CERTIFY THAT THIS PLAT ENTITLED "MAJOR SUBDIVISION PLAT OF THE VILLAS AT CHERRY LANE" REVISED AUGUST 29, 2013 HAS BEEN PERFORMED IN STRICT ACCORDANCE WITH THE WISHES AND DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES IF ANY THERE BE, AND THAT THE DEDICATION OF PUBLIC EASEMENTS AND RIGHTS OF WAY, IF ANY SHOWN HEREON IS HEREBY MADE.

IN WITNESS WHEREON ARE HEREBY PLACED THE FOLLOWING SIGNATURES AND SEALS:

JOSEPH W. MAXWELL DATE

ELIZABETH ANN MAXWELL DATE

NOTARY'S STATEMENT

COMMONWEALTH OF VIRGINIA
I, _____ A NOTARY PUBLIC IN AND FOR THE AFORESAID STATE DO HEREBY CERTIFY THAT WHOSE NAME IS SIGNED TO THE FOREGOING INSTRUMENT, HAS PERSONALLY APPEARED BEFORE ME AND ACKNOWLEDGED THE SAME ON THIS _____ DAY OF _____, 2013.

NOTARY MY COMMISSION EXPIRES

NOTARY'S STATEMENT

COMMONWEALTH OF VIRGINIA
I, _____ A NOTARY PUBLIC IN AND FOR THE AFORESAID STATE DO HEREBY CERTIFY THAT WHOSE NAME IS SIGNED TO THE FOREGOING INSTRUMENT, HAS PERSONALLY APPEARED BEFORE ME AND ACKNOWLEDGED THE SAME ON THIS _____ DAY OF _____, 2013.

NOTARY MY COMMISSION EXPIRES

NOTES

- OWNER OF RECORD: JOSEPH W. MAXWELL & ELIZABETH ANN MAXWELL 3440 WELLINGTON DRIVE SE, ROANOKE, VA 24014-6469
- SITE ADDRESS: CLAY STREET, BLACKSBURG, VA 24060
- LEGAL REFERENCES: DEED BOOK 1228, PAGE 462; PLAT BOOK 16, PAGE 422
- TAX MAP NUMBER(S): 41-3-1A
- PARCEL ID NUMBER(S): 031605
- THE PROPERTY LIES IN F.E.M.A. DEFINED ZONE X (UNSHADED) AS SHOWN ON FIRM MAP NUMBER 51121C0132C (EFFECTIVE DATE: SEPTEMBER 25, 2009).
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION WHICH MAY BE DISCLOSED BY SUCH.
- NO VISIBLE EVIDENCE OF GRAVES, OBJECTS OR STRUCTURES MARKING A PLACE OF BURIAL.
- THE PROPERTY SHOWN HEREON IS TO BE SERVED BY PUBLIC SEWER AND WATER.
- PROPERTY IS CURRENTLY ZONED: R2
- DEVELOPMENT OF THE PROPERTY SHOWN HEREON IS SUBJECT TO ORDINANCE 1993-4 WITH THE FOLLOWING THREE PROFFERS (BOARD OF SUPERVISORS MEETING APRIL 26, 1993 AT 7:00 PM):
 - ACCESS TO THE PROPERTY WILL BE ONLY FROM CHERRY LANE AND NOT FROM CLAY STREET
 - CONDITION #8 OF THE SPECIAL USE PERMIT OF APRIL 28, 1986 REGARDING A BUFFER ZONE AND SCREENING ADJACENT TO KESSLER PARK WILL REMAIN IN EFFECT WITH THE RESIDENTIAL (R-2) ZONING.
 - TO NOT BUILD DUPLEXES ON THE PART OF THE LOT BEING SUBMITTED FOR REZONING.
- MINIMUM YARDS: FRONT = 40'; SIDE = 15'; REAR = 40'
- TOTAL AREA SUBDIVIDED = 5.004 ACRES
- THE PROPOSED SUBDIVISION SHALL BE IN CONFORMANCE WITH THE WATER AND SEWER CONTRACT BETWEEN THE TOWN OF BLACKSBURG AND THE CEDAR ORCHARD CORPORATION DATED MARCH 17, 1982.
- ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
- EXISTING TREES ALONG CLAY STREET WITHIN THE PROPOSED OPEN SPACE SHALL NOT BE REMOVED.
- THE EXISTING EVERGREEN TREES WITHIN THE REQUIRED BUFFER YARD SHALL BE MAINTAINED PER THE TOWN'S WATER AND SEWER CONTRACT.
- THE PROPOSED PAVEMENT FOR THE ACCESS EASEMENT SHALL BE 18' WIDE AND BUILT IN COMPLIANCE WITH THE TOWN OF BLACKSBURG STANDARDS.
- THE MAINTENANCE OF THE PROPOSED OPEN SPACE AND VEGETATIVE BUFFER SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION. THE OWNERSHIP OF THE OPEN SPACE SHALL BE OF THE VILLAS AT CHERRY LANE HOMEOWNERS ASSOCIATION.
- THE MAINTENANCE AND LIABILITY OF THE PROPOSED STORM WATER MANAGEMENT AREAS SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
- THE NEW PRIVATE EASEMENT SHOWN HEREON AND NAMED "CHERRY TREE LANE" SHALL MEET THE TOWN OF BLACKSBURG "ALLEY" STANDARDS AND THAT THE ENTRANCE ONTO SAID CHERRY TREE LANE SHALL MEET VIRGINIA DEPARTMENT OF TRANSPORTATION ENTRANCE STANDARDS.
- 15' PUBLIC UTILITY EASEMENTS ARE HEREBY CREATED AND DEDICATED CENTERED ALONG ALL NEW PROPERTY LINES AND INTERIOR TO THE EXTERIOR BOUNDARY OF THE PROPERTY SHOWN HEREON.

PRIVATE ACCESS EASEMENT NOTE

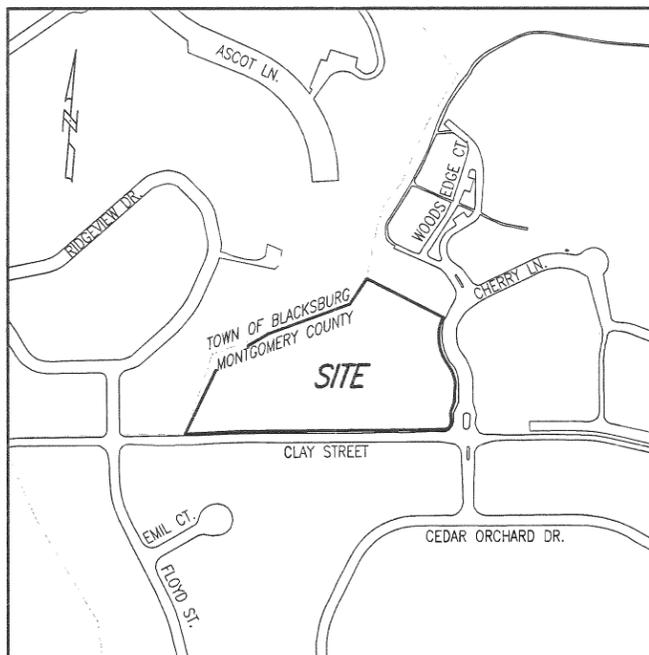
THE PROPOSED PRIVATE ACCESS EASEMENT(S) SHOWN HEREON IS NOT BUILT ACCORDING TO STREET SPECIFICATIONS OF, AND WILL NOT BE MAINTAINED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR MONTGOMERY COUNTY. THE IMPROVEMENT AND MAINTENANCE OF SAID ACCESS EASEMENT(S) SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF LOTS, WHICH ARE PROVIDED WITH ACCESS VIA THE ACCESS EASEMENT. SAID ACCESS EASEMENT IS NOT ELIGIBLE FOR MAINTENANCE OR IMPROVEMENTS WITH RURAL ADDITION FUNDS OR ANY OTHER FUNDS ALLOCATED BY EITHER GENERAL ASSEMBLY OF VIRGINIA OR THE COMMONWEALTH TRANSPORTATION BOARD. MOREOVER, THE COST OF BRINGING SAID ACCESS EASEMENT(S) TO ACCEPTABLE STANDARDS SHALL NOT BE BORNE BY MONTGOMERY COUNTY.

**LOT FRONTAGE TABLE
(WIDTH OF LOT AT FRONT SETBACK)**

LOT No.	FRONTAGE
1	90.37'
2	90.15'
3	127.12'
4	103.00'
5	103.00'
6	103.00'
7	103.00'

MINIMUM SEWERABLE ELEVATION TABLE

LOT No.	MIN SEWER ELEVATION
1	2242.25'
2	2245.91'
3	2243.27'
4	2244.28'
5	2245.42'
6	2247.06'
7	2253.63'



VICINITY MAP
±1" = 300'

SOURCE OF TITLE AND CONFORMING STATEMENT

THIS IS TO CERTIFY THAT THE PROPERTY EMBRACED WITHIN THE LIMITS OF THIS PLAT IS ALL OF THE LAND ACQUIRED BY JOSEPH W. AND ELIZABETH ANN MAXWELL AS DESCRIBED IN DEED BOOK 1228, PAGE 462. THE AFORESAID INSTRUMENT IS RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF MONTGOMERY COUNTY, VIRGINIA.

THE HEREON SHOWN PLAT AUGUST 29, 2013 HAS BEEN PREPARED IN CONFORMANCE WITH THE ZONING AND SUBDIVISION ORDINANCE OF MONTGOMERY COUNTY, VIRGINIA.

I HEREBY CERTIFY THAT THIS PLAT IS FROM A CURRENT FIELD SURVEY AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JOHN R. McADEN 002002

DRN: KMJ
CHK: JRM

MONTGOMERY COUNTY APPROVAL AND ACCEPTANCE

THE HEREON SHOWN PLAT REVISED AUGUST 29, 2013 HAS BEEN SUBMITTED TO AND APPROVED FOR ACCEPTANCE FOR RECORDATION BY MONTGOMERY COUNTY, VIRGINIA.

SUBDIVISION AGENT DATE

CHAIRMAN PLANNING COMMISSION DATE

CHAIRMAN BOARD OF SUPERVISORS DATE

COUNTY ENGINEER DATE

TOWN OF BLACKSBURG APPROVAL AND ACCEPTANCE

THE HEREON SHOWN PLAT REVISED AUGUST 29, 2013 HAS BEEN SUBMITTED TO AND APPROVED FOR ACCEPTANCE FOR RECORDATION BY THE TOWN OF BLACKSBURG, VIRGINIA.

TOWN OF BLACKSBURG ENGINEER DATE

TOWN OF BLACKSBURG PLANNER DATE

V.D.O.T. APPROVAL:

THIS IS TO CERTIFY THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION HAS EXAMINED THIS MAJOR SUBDIVISION PLAT REVISED AUGUST 29, 2013, AS SHOWN HEREON AND THAT SAID PLAT IS IN COMPLIANCE WITH THE EXISTING REGULATIONS AND REQUIREMENTS.

RESIDENT ENGINEER DATE

LOT ADDRESS AND AREA TABLE

LOT No.	ADDRESS	SQUARE FEET	ACREAGE
1	1103 CHERRY TREE LANE	26,879	0.617
2	1109 CHERRY TREE LANE	32,463	0.745
3	1106 CHERRY TREE LANE	21,165	0.486
4	1108 CHERRY TREE LANE	16,603	0.381
5	1110 CHERRY TREE LANE	16,603	0.381
6	1112 CHERRY TREE LANE	26,388	0.606
7	1114 CHERRY TREE LANE	20,768	0.477

SHEET 1 - NOTES AND SIGNATURES
SHEET 2 - SUBDIVISION PLAT
SHEET 3 - EASEMENT DIMENSIONS



MAJOR SUBDIVISION PLAT OF THE VILLAS AT CHERRY LANE

SITUATED ON CLAY STREET
TAX MAP NUMBER 41-3-1A
SHOWN ON PLAT BOOK 16, PAGE 422
MT. TABOR MAGISTERIAL DISTRICT
MONTGOMERY COUNTY, VIRGINIA
DATE: MAY 5, 2008
REVISED: AUGUST 29, 2013
JOB #00800018.00
SCALE: 1" = 50'
SHEET 1 OF 3

TEL: 540-381-4290 FAX: 540-381-4291

PLANNERS ARCHITECTS ENGINEERS SURVEYORS

Balzer & Associates, Inc. 448 Peppers Ferry Road, NW Christiansburg Va. 24073



PLANNERS ARCHITECTS
ENGINEERS SURVEYORS

LEGEND

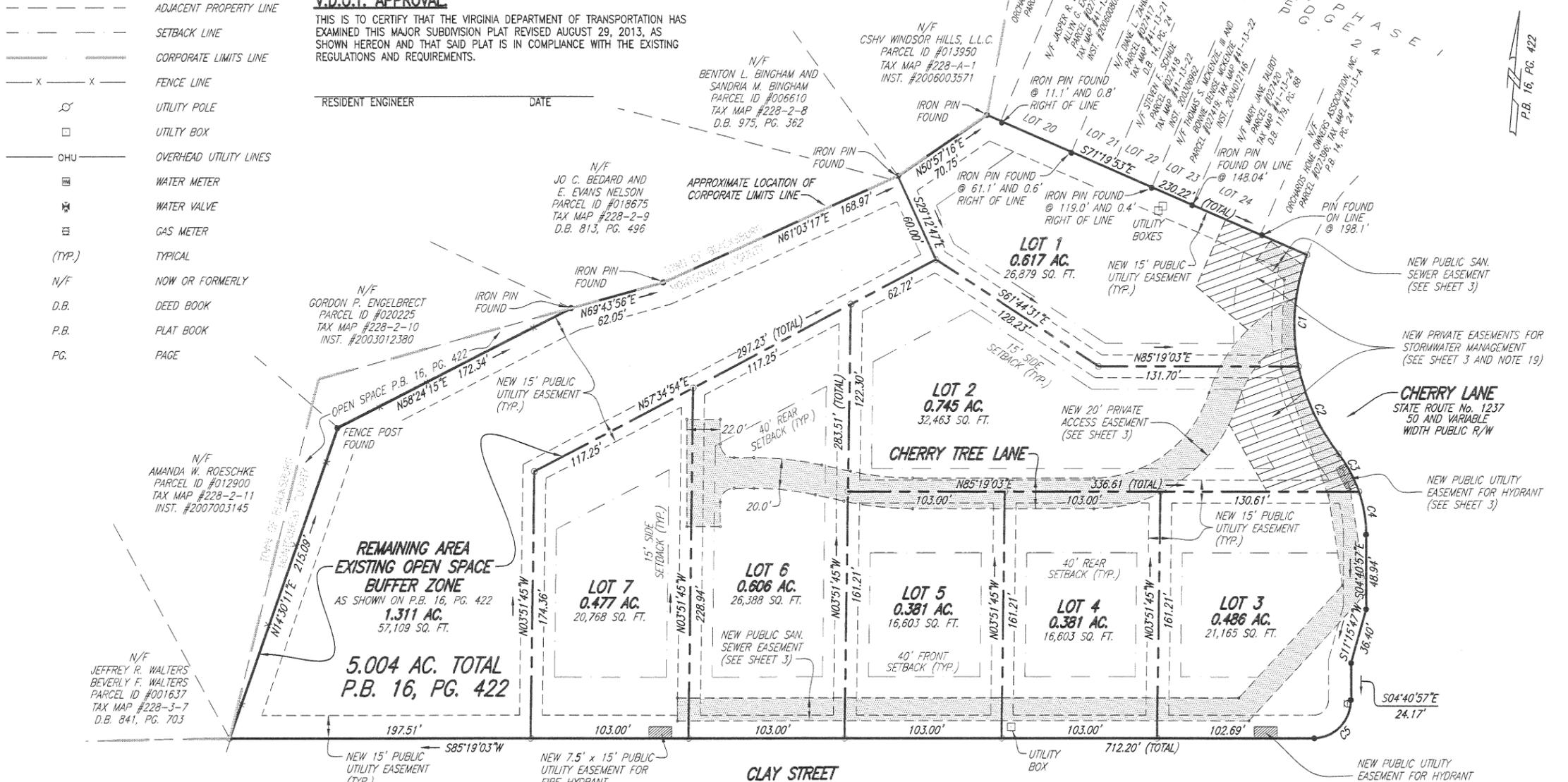
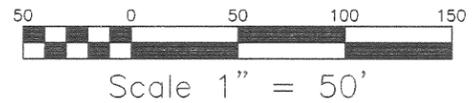
- IRON PIN FOUND (UNLESS OTHERWISE NOTED)
- IRON PIN SET
- SUBDIVISION BOUNDARY LINE
- - - NEW LOT LINE
- - - ADJACENT PROPERTY LINE
- - - SETBACK LINE
- - - CORPORATE LIMITS LINE
- x - x - FENCE LINE
- UTILITY POLE
- UTILITY BOX
- OHU — OVERHEAD UTILITY LINES
- WATER METER
- ⊗ WATER VALVE
- ⊞ GAS METER
- (TYP.) TYPICAL
- N/F NOW OR FORMERLY
- D.B. DEED BOOK
- P.B. PLAT BOOK
- PG. PAGE

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD BEARING	CHORD	DELTA
C1	74.13'	135.00'	38.03'	S00°20'29"E	73.21'	31°27'47"
C2	63.52'	135.00'	32.36'	S29°33'06"E	62.93'	26°57'26"
C3	28.27'	85.00'	14.27'	S33°30'09"E	28.14'	19°03'12"
C4	28.62'	85.00'	14.45'	S14°19'47"E	28.49'	19°17'32"
C5	39.27'	25.00'	25.00'	S40°19'03"W	35.36'	90°00'00"

V.D.O.T. APPROVAL:

THIS IS TO CERTIFY THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION HAS EXAMINED THIS MAJOR SUBDIVISION PLAT REVISED AUGUST 29, 2013, AS SHOWN HEREON AND THAT SAID PLAT IS IN COMPLIANCE WITH THE EXISTING REGULATIONS AND REQUIREMENTS.

RESIDENT ENGINEER _____ DATE _____



MONTGOMERY COUNTY APPROVAL AND ACCEPTANCE

THE HEREON SHOWN PLAT REVISED AUGUST 29, 2013 HAS BEEN SUBMITTED TO AND APPROVED FOR ACCEPTANCE FOR RECORDATION BY MONTGOMERY COUNTY, VIRGINIA.

SUBDIVISION AGENT _____ DATE _____
 CHAIRMAN PLANNING COMMISSION _____ DATE _____
 CHAIRMAN BOARD OF SUPERVISORS _____ DATE _____
 COUNTY ENGINEER _____ DATE _____

TOWN OF BLACKSBURG APPROVAL AND ACCEPTANCE

THE HEREON SHOWN PLAT REVISED AUGUST 29, 2013 HAS BEEN SUBMITTED TO AND APPROVED FOR ACCEPTANCE FOR RECORDATION BY THE TOWN OF BLACKSBURG, VIRGINIA.

TOWN OF BLACKSBURG ENGINEER _____ DATE _____
 TOWN OF BLACKSBURG PLANNER _____ DATE _____



MAJOR SUBDIVISION PLAT OF THE VILLAS AT CHERRY LANE

SITUATED ON CLAY STREET
 TAX MAP NUMBER 41-3-1A
 SHOWN ON PLAT BOOK 16, PAGE 422
 MT. TABOR MAGISTERIAL DISTRICT
 MONTGOMERY COUNTY, VIRGINIA
 DATE: MAY 5, 2008
 REVISED: AUGUST 29, 2013
 JOB #B0800018.00
 SCALE: 1" = 50'
 SHEET 2 OF 3

TEL: 540-381-4290 FAX: 540-381-4291
PLANNERS ARCHITECTS ENGINEERS SURVEYORS
 Balzer & Associates, Inc. 448 Peppers Ferry Road, NW Christiansburg Va. 24073



PLANNERS ARCHITECTS ENGINEERS SURVEYORS

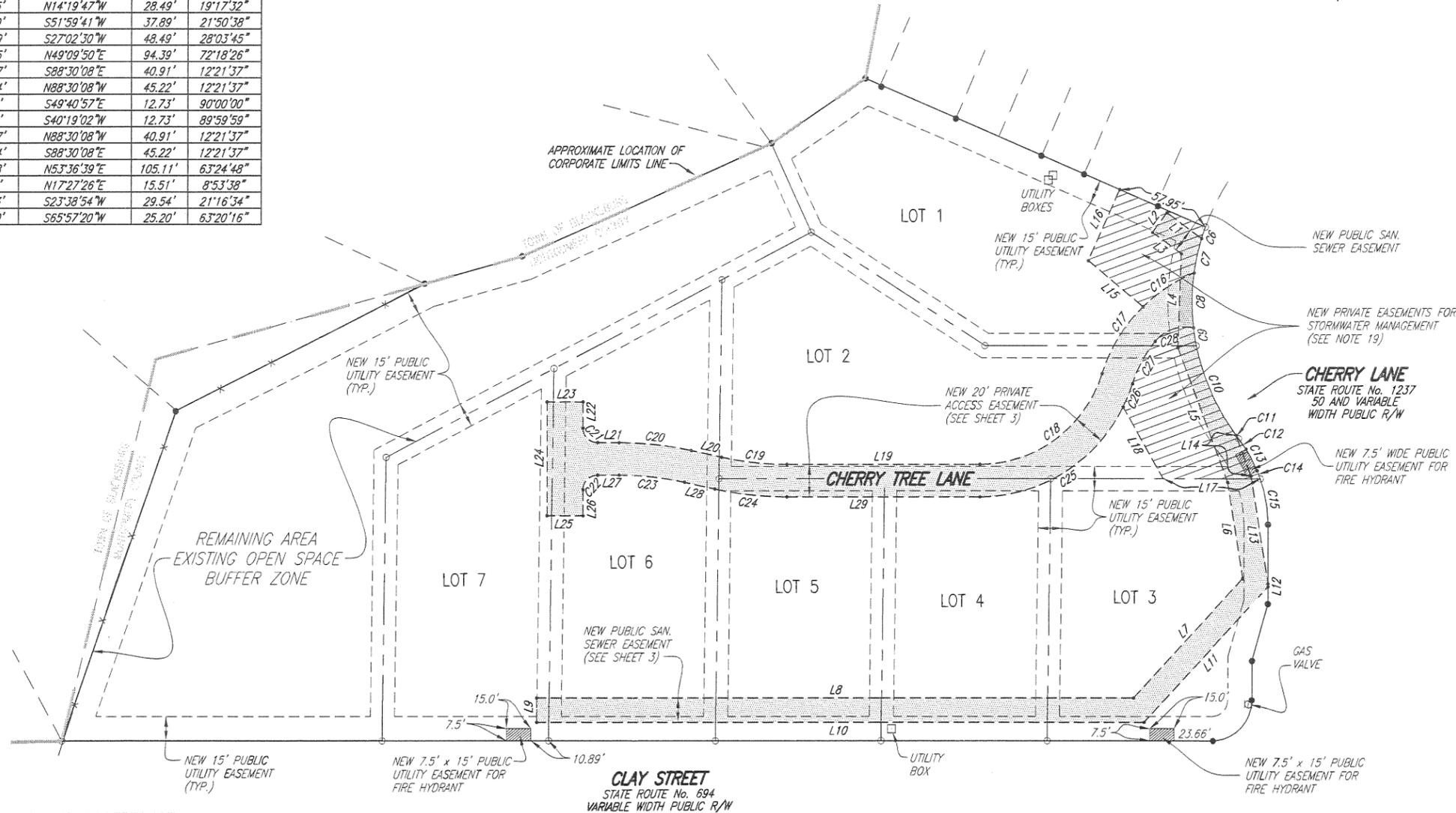
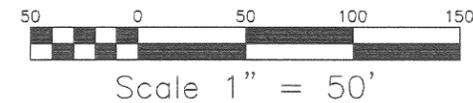
CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD BEARING	CHORD	DELTA
C6	7.46'	135.00'	3.73'	S13°48'28"W	7.46'	3°09'54"
C7	21.64'	135.00'	10.84'	S07°38'00"W	21.62'	9°11'02"
C8	33.88'	135.00'	17.03'	S04°08'52"E	33.79'	14°22'41"
C9	11.16'	135.00'	5.58'	S13°42'17"E	11.16'	4°44'10"
C10	60.71'	135.00'	30.88'	S28°57'20"E	60.20'	25°45'55"
C11	2.81'	135.00'	1.40'	S42°26'03"E	2.81'	1°11'32"
C12	7.87'	85.00'	3.94'	N40°22'33"W	7.87'	5°18'24"
C13	15.02'	85.00'	7.53'	N32°39'38"W	15.00'	10°07'26"
C14	5.38'	85.00'	2.69'	N25°47'14"W	5.37'	3°37'23"
C15	28.62'	85.00'	14.45'	N14°19'47"W	28.49'	19°17'32"
C16	38.12'	100.00'	19.30'	S51°59'41"W	37.89'	21°50'38"
C17	48.98'	100.00'	24.99'	S27°02'30"W	48.49'	28°03'45"
C18	100.96'	80.00'	58.45'	N49°09'50"E	94.39'	72°18'26"
C19	40.99'	190.00'	20.57'	S88°30'08"E	40.91'	12°21'37"
C20	45.30'	210.00'	22.74'	N88°30'08"W	45.22'	12°21'37"
C21	14.14'	9.00'	9.00'	S49°40'57"E	12.73'	90°00'00"
C22	14.14'	9.00'	9.00'	S40°19'02"W	12.73'	89°59'59"
C23	40.99'	190.00'	20.57'	N88°30'08"W	40.91'	12°21'37"
C24	45.30'	210.00'	22.74'	S88°30'08"E	45.22'	12°21'37"
C25	110.68'	100.00'	61.78'	N53°36'39"E	105.11'	63°24'48"
C26	15.52'	100.00'	7.78'	N17°27'26"E	15.51'	8°53'38"
C27	29.71'	80.00'	15.03'	S23°38'54"W	29.54'	21°16'34"
C28	26.53'	24.00'	14.80'	S65°57'20"W	25.20'	63°20'16"

LINE TABLE		
LINE	BEARING	LENGTH
L1	N58°13'55"W	26.71'
L2	S31°46'05"W	15.00'
L3	S58°13'55"E	22.24'
L4	S02°37'41"E	57.78'
L5	S25°14'55"E	88.42'
L6	S13°46'28"E	59.73'
L7	S38°02'00"W	100.21'
L8	S85°19'03"W	370.34'
L9	S04°40'57"E	15.00'
L10	N85°19'03"E	376.91'
L11	N38°02'00"E	113.69'
L12	N04°40'57"W	1.87'
L13	N13°46'28"W	66.91'
L14	N25°14'55"W	27.00'
L15	N55°04'48"W	44.33'
L16	N19°27'23"E	47.90'
L17	S85°19'03"W	60.60'
L18	N34°04'28"W	50.56'
L19	S85°19'03"W	119.53'
L20	N82°19'20"W	19.24'
L21	S85°19'03"W	13.13'
L22	N04°40'57"W	16.00'
L23	S85°19'03"W	22.00'
L24	S04°40'57"E	70.00'
L25	N85°19'03"E	22.00'
L26	N04°40'57"W	16.00'
L27	N85°19'03"E	13.13'
L28	S82°19'20"E	19.24'
L29	N85°19'03"E	119.53'
L120	S18°40'07"W	47.51'
L121	S52°34'09"E	42.60'

V.D.O.T. APPROVAL:

THIS IS TO CERTIFY THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION HAS EXAMINED THIS MAJOR SUBDIVISION PLAT REVISED AUGUST 29, 2013, AS SHOWN HEREON AND THAT SAID PLAT IS IN COMPLIANCE WITH THE EXISTING REGULATIONS AND REQUIREMENTS.

RESIDENT ENGINEER _____ DATE _____



MONTGOMERY COUNTY APPROVAL AND ACCEPTANCE

THE HEREON SHOWN PLAT REVISED AUGUST 29, 2013 HAS BEEN SUBMITTED TO AND APPROVED FOR ACCEPTANCE FOR RECORDATION BY MONTGOMERY COUNTY, VIRGINIA.

SUBDIVISION AGENT _____ DATE _____
 CHAIRMAN PLANNING COMMISSION _____ DATE _____
 CHAIRMAN BOARD OF SUPERVISORS _____ DATE _____
 COUNTY ENGINEER _____ DATE _____

TOWN OF BLACKSBURG APPROVAL AND ACCEPTANCE

THE HEREON SHOWN PLAT REVISED AUGUST 29, 2013 HAS BEEN SUBMITTED TO AND APPROVED FOR ACCEPTANCE FOR RECORDATION BY THE TOWN OF BLACKSBURG, VIRGINIA.

TOWN OF BLACKSBURG ENGINEER _____ DATE _____
 TOWN OF BLACKSBURG PLANNER _____ DATE _____



MAJOR SUBDIVISION PLAT OF THE VILLAS AT CHERRY LANE

SITUATED ON CLAY STREET
 TAX MAP NUMBER 41-3-1A
 SHOWN ON PLAT BOOK 16, PAGE 422
 MT. TABOR MAGISTERIAL DISTRICT
 MONTGOMERY COUNTY, VIRGINIA
 DATE: MAY 5, 2008
 REVISED: AUGUST 29, 2013
 JOB #B0800018.00
 SCALE: 1" = 50'
 SHEET 3 OF 3

TEL: 540-381-4290 FAX: 540-381-4291

PLANNERS ARCHITECTS ENGINEERS SURVEYORS

Balzer & Associates, Inc. 448 Peppers Ferry Road, NW Christiansburg Va. 24073



PLANNERS ARCHITECTS ENGINEERS SURVEYORS

DRN: KMJ
 CHK: JRM

October 1, 2013

Steve Semones
Balzer & Associates
448 Peppers Ferry Road
Christiansburg, VA 24073

RE: **STP 13-0011 - The Villas at Cherry Lane – 1100 Clay St. SE.**

Dear Mr. Semones:

The Planning and Building Department reviewed the plan for the above-mentioned project submitted to the Town for its first review on September 18, 2013. The plan cannot be approved at this time because of the noted items below:

1. Revise Waterline Note 1, Sheet C2, to state that the all water meters, laterals from the main to the meter, and meter boxes shall be set by the Town of Blacksburg at the owner's expense.
2. Delete the phrase "or equal" from Sanitary Sewer Note 2, Sheet C2.
3. Can the fire hydrant to be installed across Cherry Lane be relocated closer to the intersection with Cherry Tree Lane? This is a request from the Blacksburg Fire Department.
4. Please add a note that states that all new fire hydrants shall be installed by the Town of Blacksburg at the owner's expense.
5. The Blacksburg Fire Department raised concerns about the locations of the new fire hydrants. Their concern is that if property owners install privacy fences along the lots then the Fire Department does not consider that the lots have fire protection since the fences will block access from the hydrant to the house.
6. Please provide the utility testing fee of \$588.
7. Provide a note on the plat and site plan stating that the proposed subdivision shall be in conformance with the water and sewer contract between the Town of Blacksburg and the Cedar Orchard Corporation dated March 17, 1982.
8. Please note that several evergreen trees along Clay Street may need to be removed that are in potential conflict with the sewer line in this area.

Randy Formica and I reviewed this plan. If you have any questions, please contact either of us at 961-1126.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Warren', with a stylized, cursive style.

Andrew Warren
Zoning Administrator
Planning & Building Department

Cc: Joe Maxwell
Brea Hopkins, Montgomery County



Montgomery County
Public Schools

Facilities & Planning Department

September 18, 2013

Ms. Erin M. Puckett
Senior Program Assistant
Montgomery County Planning & GIS Services
755 Roanoke Street, Suite 2A
Christiansburg, VA 24073

RE: Plan Review – The Villas at Cherry Lane

Dear Ms. Puckett:

Thank you for the opportunity to comment on the referenced subdivision plan review. I understand this is not a request for an increase in the allowable number of units, just a subdivision adjustment. However, for information purposes, I submit the following:

Children from homes in this area attend Harding Avenue Elementary School, Blacksburg Middle School, and Blacksburg High School. Harding Avenue Elementary School has a capacity of 260 students and a current enrollment of 272. Blacksburg Middle School has a capacity of 1,200 students and a current enrollment of 813. Blacksburg High School has a capacity of 1400 students and a current enrollment of 1,125. Our planning consultant advises us that on average across the country, new family dwelling units have the potential to add .6 children each to the school system. Seven (7) single family units in this development could potentially generate 4.2, or approximately 1 - 2 students in each school.

If the request is approved, please ensure that the public roads servicing this development can accommodate large school buses.

Thank you for this opportunity to comment on the subdivision plan review.

Sincerely,

Daniel A. Berenato
Director

DAB/mm

cc: Brenda Blackburn
John Staten
Rebecca Mummau

Montgomery County, Virginia
SUBDIVISION APPLICATION REPORT

10/02/2013

Subdivision Application Number: MAJ-2013-00781

Applicant Name: JUSTIN ST CLAIR BALZER AND ASSOCIATES INC

Applicant Address: 448 PEPPERS FERRY ROAD Northwest CHRISTIANBURGVA24073

Subdivision Name: THE VILLAS AT CHERRY LANE

Job ID:

Parcel ID: 031605 **Tax Map Number:** 041- 3 1A

We have reviewed your subdivision plat and find that the following corrections need to be made to satisfy the requirements of the Montgomery County Subdivision Ordinance.

Plat Features:

Checklist Item	Comments
Digital version provided meeting departmental guidelines	PLEASE SUBMIT CAD FILE TO MIKE SUTHERLAND, GIS ANALYST

Water:

Checklist Item	Comments
-----Town/PSA Subdivision Approval Letter (documentation)	PLEASE PROVIDE

Sewer:

Checklist Item	Comments
-----Town/PSA Subdivision Approval Letter (documentation)	PLEASE PROVIDE

Streets:

Checklist Item	Comments
VDOT Subdivision Approval Letter for road construction and drainage plans (documentation)	PLEASE PROVIDE

Storm Water:

Checklist Item	Comments
County Engineer Approval Letter for erosion and sediment control plans (documentation)	PLEASE PROVIDE
Stormwater detention facilities meet state standards (County Engineer)	
----- Easements for detention facilities shown	
----- Note stating Homeowner's Association responsible for future maintenance and liability	
----- County Attorney Approval Letter of Homeowner's Association Bylaws for future maintenance and liability (documentation)	SEE COMMENT 1 BELOW

Additional Comments:

1. PLEASE PROVIDE COVENANTS AND RESTRICTIONS, MAINTENANCE PLANS FOR STORM WATER FACILITIES AND PRIVATE ALLEY TO BE REVIEWED.
2. PLEASE PROVIDE A LETTER FROM THE TOWN OF BLACKSBURG STATING THAT A REVIEW HAS BEEN CONDUCTED AND APPROVAL ISSUED OF ALL WATER AND SEWER CONSTRUCTION PLANS INCLUDING PROVISIONS FOR FIRE PROTECTION
3. PLEASE PROVIDE WRITTEN APPROVAL FROM THE COUNTY EMERGENCY SERVICES COORDINATOR.

Please contact us at (540) 394-2148 if you have any questions.

Sincerely,



Digitally signed by Brea Hopkins
DN: cn=Brea Hopkins, o=Montgomery County
Planning & GIS, ou=Development Planner,
email=hopkinsbg@montgomerycountyva.gov,
c=US
Date: 2013.10.02 13:09:10 -04'00'

Brea Hopkins
Subdivision Agent

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 26TH DAY OF APRIL, 1993 AT 7:00 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

On a motion by James M. Moore, seconded by Larry J. Linkous and carried unanimously,

ORDINANCE 1993-4

**An Ordinance Amending or Changing
the Zoning Classification of 5.296
Acres of Land from the Zoning
Classification of Multiple-Family
(RM-1) to the Zoning Classification
of Residential (R-2)**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that the zoning classification of that certain tract or parcel of land consisting of 5.296 acres of land is hereby changed, amended and rezoned from the zoning classification of Multiple-Family Residential (RM-1) to the zoning classification of Residential (R-2).

This action was commenced upon the application of Cedar Orchard Corp. (Agent: Issa Deeb).

This tract or parcel of land is identified as a portion of Tax Parcel 41-3-1 located on the northwest corner of Clay Street (State Route 681) and Cherry Lane just outside the Town of Blacksburg, Mt. Tabor Magisterial District.

Said action is subject to the following three proffered conditions:

1. Access to the property will be only from Cherry Lane and not from Clay Street.
2. Condition #8 of the Special Use Permit of April 28, 1986 regarding a buffer zone and screening adjacent to Kessler Park will remain in effect with the Residential (R-2) zoning.
3. To not build duplexes on the part of the lot being submitted for rezoning.

The provisions of this ordinance are in compliance with the Comprehensive Plan and shall take effect upon its adoption.

ATTEST: *Betty D. Thomas*
COUNTY ADMINISTRATOR

10anned 9/30/02