

MONTGOMERY COUNTY PLANNING COMMISSION

May 13, 2009 @ 7:00 P.M.

Board Room, Government Center

AGENDA

CALL TO ORDER:

DETERMINATION OF A QUORUM:

PUBLIC ADDRESS:

APPROVAL OF AGENDA:

APPROVAL OF CONSENT AGENDA:

PUBLIC HEARING:

1. A request by **John Gunter and Dean A Smith** for rezoning of approximately 3 acres from Residential (R3) to Agriculture (A-1), with possible proffered conditions. The maximum allowed density in the proposed zoning district is one (1) dwelling unit per acre. The property is located at 2348 & 2330 Meadow Creek Road, identified as Tax Parcel No(s). 118-5-11 and 12, (Acct Nos. 022151, 022152), in the Riner Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre.
 - a. Staff Presentation (Jamie MacLean)
 - b. Applicant Presentation
 - c. Public Comment
 - d. Discussion/Action

NEW BUSINESS:

1. Northwoods Preliminary Plat Approval (Steve Sandy)
2. Resolution of Appreciation- Steve Howard (Chair Miller)

OLD BUSINESS:

1. Zoning ordinance amendments (Dari Jenkins)
 - Airport Overlay District
 - Floodplain District
 - Agricultural Uses & Definitions
 - Accessory Dwellings in Agriculture (A-1) Zoning District
2. Planning Fee Structure Amendments (Steve Sandy)

LIAISON REPORTS:

- Board of Supervisors- John Muffo
- Agriculture & Forestal District- Bob Miller
- Blacksburg Planning Commission – Walt Haynes
- Christiansburg Planning Commission – Bryan Rice

- Economic Development Committee- David Moore
- Public Service Authority – Malvin Wells
- Parks & Recreation- Steve Howard
- Radford Planning Commission- Vacant
- School Board- Bill Seitz
- Transportation Safety Committee- Malvin Wells
- Planning Director’s Report- Steven Sandy

MEETING ADJOURNED:

UPCOMING MEETINGS:

- | | |
|---------------|---|
| May 20, 2009 | Planning Commission Regular Meeting (Cancelled) |
| May 29, 2009 | CPEAV Planning and Zoning Legal Seminar |
| June 10, 2009 | Planning Commission Site Visit (To be determined)
Planning Commission Public Hearing & Regular Meeting (7:00 pm) |

**MONTGOMERY COUNTY PLANNING COMMISSION
CONSENT AGENDA
May 13, 2009**

A. APPROVAL OF MINUTES

- April 8, 2009

ISSUE/PURPOSE:

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

B. SCHEDULE PUBLIC HEARINGS

1. A request by **Bedford Falls Company** for rezoning of approximately 0.923 acres from General Business (GB) to Residential (R3), with possible proffered conditions. The property is located at 1517 Fire Tower Road, identified as Tax Parcel No(s). 90-A-29A, (Acct No. 020005), in the Riner Magisterial District. The property currently lies in an area designated as Medium Density Residential & Civic in the Plum Creek Village Plan in the Comprehensive Plan with a maximum density of two (2) dwelling units per acre.

2. A request by **S&P of Virginia, LLC (Agent: Balzer & Associates)** for rezoning of approximately 21.13 acres from Agriculture (A1) to General Business (GB) and 14.19 acres from Agriculture (A1) to Residential (R3), with possible proffered conditions, to allow various commercial uses and single family residential dwellings. In addition, a special use permit is requested in the General Business (GB) district to allow a convenience store with motor fuel sales. The property is located Southwest of the I-81 Exit 109 and Tyler Road intersection, 2735 Tyler Road, identified as Tax Parcel No(s). 104-A-32, 32A, 33 and 104-7-A, (Acct Nos. 018647, 011957, 019186, 023358), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan and Planned Commercial and Planned Unit Residential in the Route 177 Corridor Plan with a maximum density of four (4) dwelling units per acre.

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON APRIL 8, 2009 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Miller, Chair called the meeting to order and Mr. Seitz, established the presence of a quorum.

Present: Robert Miller, Chair
William Seitz, Secretary
Bryan Rice, Member
Frank Lau, Member
Steve Howard, Member
David Moore, Member
Malvin Wells, Member
John Muffo, Board of Supervisors Liaison
Steve Sandy, Planning Director
Dari Jenkins, Planning & Zoning Administrator
Brea Hopkins, Zoning Technician
Jamie MacLean, Development Planner
Kevin Byrd, Comprehensive Planner

Absent: Walt Haynes, Vice Chair

PUBLIC ADDRESS:

None

APPROVAL OF AGENDA:

On a motion by Mr. Seitz, seconded by Mr. Howard and unanimously carried the agenda was approved.

APPROVAL OF CONSENT AGENDA:

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

PUBLIC HEARING:

A request by the Montgomery County Sheriff (Agent: Sheriff J. T. Whitt) to amend condition #3 of Special Use Permit (R-FY-06-16) by eliminating the requirement that the Tower shall only be utilized by government agencies to allow private carriers to locate on the existing Tower. The property is located at 2080 Oilwell Road, and is identified as Tax Parcel No. 66-A-55A (Account ID# 071091) in the Prices Fork Magisterial District (District E). The property lies in an area designated as Residential Transition in the Comprehensive Plan.

Mr. Miller introduced the request.

Mr. Sandy stated the request was to amend one of the conditions of a special use permit approved in January 2006. There is a private paging company that is requesting to locate on the tower so an amendment to condition number 3 is requested, which limits the tower to governmental use only. There are not any proposed changes to the existing structure. The proposed condition will be changed to include private paging companies; however, will not include commercial cellular equipment. The

paging company is primarily for emergency services; however, is not solely for governmental use. Two (2) existing antennae will be removed. Mr. Sandy reviewed maps, photos and video of the property.

Mr. Seitz asked if other commercial paging companies could locate on the structure with the suggested amendment.

Mr. Sandy stated if the tower could withstand additional equipment then other paging companies would be permitted.

Mr. McMahon asked what the difference between allowing cellular equipment and paging equipment would be.

Mr. Sandy stated the paging company uses whip antennae versus the panels used by cellular companies.

Mr. Miller opened the public hearing.

Lt. St. Clair, Sheriff's office representative, stated the paging service is 90% public service oriented and affects the hospitals, sheriff's department, rescue, town police, etc. There will be no cost to the county and the paging company will provide revenue sharing that will be placed in an account for site maintenance.

Mr. Seitz asked why the paging company was proposing to relocate.

Mr. Henderson stated the lease terms and conditions were no longer satisfactory. This arrangement is beneficial to the Sheriff's Department and the paging company. The rent to the Sheriff's department will be the same that the paging company is currently paying the tower owner.

Mr. Lau noted his concerns of placing all emergency communication equipment on one tower.

Mr. Henderson stated the paging is used for immediate call out. If there is interruption in two-way communication, paging will not be affected. Most public safety agencies have back up communication sites, so if a tower fails then there will be a backup for most systems.

There being no further comments the public hearing was closed.

Mr. Seitz asked why the condition was placed on the sup in 2006.

Mr. Sandy stated the intended use was for emergency services and there was not a desire to construct a more substantial tower to accommodate the commercial cellular equipment.

Mr. Wells stated that the request would allow better use of the tower and the structure would not change.

Mr. Rice stated there would not be any change to the tower and would not impact surrounding residents.

Mr. McMahon stated an acceptable wording may be "private paging companies who provide paging for emergency services shall be permitted".

On a motion by Mr. Moore, seconded by Mr. Howard and carried by a 7-0 vote the planning commission recommended approval of the following amendment(s) to the special use permit:

1. The tower shall not exceed a total overall height of 160 feet and shall not have lighting.
2. Engineering plans signed and sealed by a licensed engineer in the state of Virginia shall be submitted and approved by the Building official prior to issuance of a building permit.

3. The tower structure shall only be utilized by sheriff, police, fire rescue, Blacksburg Transit, and similar government agencies. **Private paging companies who provide paging services for emergency purposes may also be placed on the tower.**
4. No platforms or dishes shall be permitted on the structure above the tree line
5. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
6. ~~Removal of old tower in 190 days of operation of the new replacement tower.~~

A request by William E. & Susan McGann Osborne (Agent: Gay & Neel, Inc.) for a Special Use Permit (SUP) on approximately 3.385 acres in an Agriculture (A1) zoning district to allow contractor's storage yard. The property is located at 1806 Brookfield Road, and is identified as Tax Parcel No(s). 52-3-2C and a portion of 52-3-2D (Acct Nos. 013253, 011315), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Rural in the Comprehensive Plan.

Mr. Miller introduced the request.

Mr. Byrd stated the applicant was requesting a special use permit to allow a contractor's storage yard. He reviewed the maps, photos, and video of the property. The property lies within an area designated as residential in the comprehensive plan. The request is being made to bring the existing use into compliance. The site is well screened and is located on two properties. Approximately 25 people are employed during the peak season. There is a compost area, burn/fill area containing various debris. Neither the metal building nor the fuel storage tank has required permits. An email has been received in support of the request. He reviewed the concept plan submitted for the property. Staff has concerns regarding the following issues:

1. The 30' x 40' metal building was constructed without permits and has not been issued a certificate of completion.
2. The 250 gallon fuel storage tank was installed without the appropriate permits.
3. The burning/fill area in the northeastern corner of the property should be restored to original grade. Debris should be transported to an appropriate waste disposal facility. Land clearing debris collected from jobsites should not be permitted for burning per Virginia Solid Waste Management Regulations (VSWMR).

Mr. Lau stated if the fuel being stored on site is gasoline, there would need to be some sort of protection, especially since it is located in proximity to the burn area.

Mr. Byrd stated staff has requested the assistance of the building official to determine the exact requirements for the on-site fuel storage.

Mr. Miller opened the public hearing.

Mr. Kevin Conner, Gay & Neel, stated Mr. Osborne has been operating the business on site for eleven years and has occupied a dwelling on site. The owner will work with DEQ to obtain the permits for the fill area and will work with the building department to correct permitting issues. The diesel fuel storage is approximately 200 feet away from the burn area.

Mr. Jay Smith, 1811 Brookfield Road, stated he had lived on the road since 1997 and never had an issue with the business. There is no noise and the employees are gone most of the day.

There being no further comments, the public hearing was closed.

Mr. Wells stated that in light of the issues discovered, the request should be tabled.

On a motion by Mr. Wells, seconded by Mr. Howard and carried by a 7-0 vote the planning commission tabled the request for a Special Use Permit (SUP) to allow a Contractor's Storage Yard on approximately 3.385 acres in Agriculture (A-1) until the applicant can address the following issues:

1. Resolve the issues of the 30' x 40' metal building without a building permit or certificate of completion with County Building Official, County Attorney, Planning Staff and other parties as appropriate.
2. Resolve the issue of the 250 gallon fuel storage tank without required permits with County Building Official, County Attorney, Planning Staff and other parties as appropriate.
3. The burning/fill area in the northeastern corner of the property shall be restored to original grade. Debris shall be transported to an appropriate waste disposal facility. Land clearing debris collected from jobsites will not be permitted for burning at another location per Virginia Solid Waste Management Regulations (VSWMR). Land clearing debris must be generated on the same parcel as the burn.

OLD BUSINESS:

None

NEW BUSINESS:

None

WORKSESSION:

On a motion by Mr. Rice, seconded by Mr. Howard and unanimously carried the Planning Commission entered into worksession.

Virginia Tech Studio Class Presentation

Mr. Miller introduced Ms. Diane Zahm.

Ms. Zahm stated last year's student project "Implementing the Village Plans" received APA award. This semester students worked on issues that were discussed in the previous project.

Stephen Huff presented "The Character of Prices Fork" and discussed goals, density levels, possible solutions such as TND, and the future use of the elementary school.

Mr. Miller stated that the Meadowbrook model would be good to look at when studying possible uses for the Prices Fork area.

Mr. Muffo stated that by law the school property must be sold to another entity and the money must be used for capital development for Montgomery County Schools.

Justin Shanks discussed develop ability options for the Prices Fork area. He reviewed population projections, housing forecasts, and suggestions for future planning.

Ms. Zahm noted the area most suited for TND was the area designated by the community for more dense development.

Mr. Muffo asked if Blacksburg was involved in the study.

Mr. Byrd stated that staff has been working with various surrounding localities including Blacksburg.

Mr. Miller thanked Ms. Diane Zahm and students for their work.

Zoning ordinance amendments (Dari Jenkins)

Ms. Jenkins stated that staff has been working on possible amendments to the zoning ordinance.

Agricultural Uses & Definitions

Staff has seen issues regarding agricultural accessory uses. Particularly the use of semi-trailers for storage of straw, hay, etc. that is sold and transferred to a buyer. In some cases the product is not generated from the site it is stored on. She discussed possible revisions to address accessory uses in relationship to agricultural uses. The Board of Supervisors has directed this to the Planning Commission for consideration.

Mr. McMahon stated that the ordinance currently states storage of products that are produced on premises is allowed. The other issue is whether or not this is the primary or accessory use of the property. More definitive language needs to be developed.

Accessory Dwellings in Agriculture (A-1) Zoning District

Ms. Jenkins stated accessory dwellings are allowed in various zoning districts. Repeated requests are received for accessory dwellings in Agriculture A-1 on properties less than 5 acres in size. Nancy Phillips, Legacy Builders, has submitted a letter to the Board of Supervisors requesting they review this issue and send an ordinance amendment request to the Planning Commission. Residential districts require less land for accessory dwellings and allow a larger accessory structure.

Staff welcomes any comments regarding these issues.

On a motion by Mr. Wells, seconded by Mr. Howard and unanimously carried the planning commission closed the worksession.

LIAISON REPORTS:

Board of Supervisors

No report.

Agriculture & Forestal District

No report.

Blacksburg Planning Commission

No report.

Christiansburg Planning Commission

Mr. Rice stated the Christiansburg Planning Commission is considering a rezoning of property on the county border near Merrimac Road to Business (B3) to allow a hotel.

Economic Development Committee

No report.

Public Service Authority

Mr. Wells stated the PSA held a special meeting on March 23rd regarding a grant application, which has been submitted, for McCoy Road waterline, Old Roanoke Road waterline, Riffe Street, Oilwell & Council Lane waterlines. The application has been submitted.

Parks & Recreation

Mr. Howard stated he attended two meetings. The Parks & Recreation plan was discussed with planning staff. The Frog Pond is being prepared for opening and the Bethel Park is ready.

Radford Planning Commission

No report.

School Board- Bill Seitz

No report.

Transportation Safety Committee- Malvin Wells

No report.

Planning Director's Report

Mr. Sandy reminded commissioners of the training event on April 30th at the PDC. Please let Jamie know if you will be attending.

Mr. Sandy stated the Planning & Legal Seminar in Charlottesville will be held in May.

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



MONTGOMERY COUNTY PLANNING & GIS SERVICES

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

MEMORANDUM

TO: Planning Commission
FROM: Planning Staff *JRM*
DATE: May 5, 2009
RE: **Staff Analysis (RZ-2009-06647)**

A request by John Gunter and Dean A. Smith for rezoning of approximately 3 acres from Residential (R-3) to Agriculture (A-1), with possible proffered conditions. The properties are located at 2348 & 2330 Meadow Creek Road, identified as Tax Parcel No(s) 118-5-11 and 12, (Acct Nos. 022151, 022152), in the Riner Magisterial District. The properties currently lie in an area designated as Rural in the Comprehensive Plan.

I. Nature of Request

A request by John Gunter and Dean A. Smith for rezoning of approximately 3 acres from Residential (R-3) to Agriculture (A-1), with possible proffered conditions.

II. Location

The properties are located at 2348 & 2330 Meadow Creek Road, identified as Tax Parcel No(s) 118-5-11 and 12, (Acct Nos. 022151, 022152), in the Riner Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan.

III. Impacts

The impacts associated with Re-zoning the property located at 2348 & 2330 Meadow Creek Road, identified as Tax Parcel No(s) 118-5-11 and 12, (Acct Nos. 022151, 022152), shall be discussed below. The subject parcels are currently zoned Residential (R-3).

The subject parcels are surrounded by Agricultural (A-1) zoned properties (Zoning map attached). The applicant's goal is to rezone the two parcels to Agriculture (A-1), so that they will lie within the same zoning district as the adjoining property owners.

Mr. Smith (owner of parcel 022151) would also like to have animals, such as horses on his property. Mr. Smith currently owns a parcel which is approximately 1.44 acres in size. The Residential (R-3) district permits no more than two (2) horses and ponies collectively per

No commercial work was to be conducted in the accessory structure and existing tree buffer along the rear property line was to be maintained. Mr. Smith began the building of the structure and obtained permits; however the final inspection was never conducted as Mr. Smith was injured at work, and was unable to begin work on the structure again until recently.

V. Staff Recommendations

Staff preliminarily recommends approval of this request as submitted by John Gunter and Dean A. Smith for rezoning of approximately 3 acres from Residential (R-3) to Agriculture (A-1). No proffered conditions have been offered as of the date of this report.

At the time this report was issued, the Planning and GIS Services office had received a phone call from Mr. and Mrs. Duncan, adjoining property owners inquiring about the requested Re-zoning application. They expressed concern that existing accessory structure would be used for commercial activities.

Enclosures: Letter from County Attorney 10.1.80
Board of Supervisors Ordinance 1.5.81
Special Use Permit Approval Letter 9.3.03
Aerial Map
Zoning Map
Application Materials



**Dean A. Smith
and
John A. Gunter
Request To Rezone
From R-3 to A-1**

Legend

- Slate Roads
- Interstate Highway
- Private Roads (Named)
- Planned Highway
- Railroad
- Hydrology
- Tax Parcels
- Subject Property

**Parcel ID(s): 022151
022152**



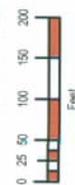
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COMMONWEALTH OF VIRGINIA

Montgomery County, Virginia
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Prepared by Montgomery County, Va
Planning & GIS Services, 3/31/08





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	<input type="checkbox"/> Comprehensive Plan Amendment
Applicant Information:	
Property Owner: <u>John Gunter</u>	^{2nd Property Owner} Agent <u>Dean A Smith</u>
Address: <u>2348 Meadow Creek Rd</u> <u>Christiansburg, VA 24073</u>	Address: <u>2330 Meadow Creek Rd</u> <u>Christiansburg Va 24073</u>
Phone 1: <u>540-381-3774</u>	Phone 1: <u>381-4365</u>
Phone 2: _____	Phone 2: _____
Email: _____	Email: _____
Location of Property: <u>2348 Meadow Creek Rd, Christiansburg, VA 24073</u>	
Legal Record of Property: Total Area: <u>1.56</u> Acres Magisterial District <u>Riner</u>	
Account ID: <u>022152; 022151</u> Tax Parcel Number(s): <u>118-5-12</u> ; <u>118-5-11</u>	
Rezoning Details: Current Zoning District: <u>R-3</u> Requested Zoning District: <u>A-1</u>	
Desired Use(s): <u>Same as present use; Comply with surrounding Area, possibly have horse</u>	
Special Use Permit: Current Zoning District _____ Total Area: _____ Acres	
Desired Use(s): _____	
Comprehensive Plan Amendment(Description): _____	
<p><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></p>	
<u>John Gunter</u> Property Owner's Signature	<u>March 10, 2009</u> Date
<u>[Signature]</u> Agent's Signature	<u>3-17-09</u> Date
<u>2nd Property Owner</u>	

FOR OFFICE USE ONLY

Application Number: _____

Date Received: _____ Fee Paid: _____ Reviewed by: _____

Additional Rezoning Requirements

The applicant for rezoning shall provide a statement of justification to address the following items in the application materials to demonstrate what impact the proposed request will have on the County's resources and how the request complies with Montgomery County's comprehensive plan.

Section 10-54(1)(k)(4), Montgomery County Zoning Ordinance

4. Zoning Map Amendments. If the application is for a reclassification of property to a different zoning district classification on the Zoning Map, the applicant shall address all the following in its statement of justification or plat unless not applicable. The Planning Commission shall give reasonable consideration to the following matters:

1. Whether the proposed zoning district classification is consistent with the Comprehensive Plan. (Addressed under "3. Comprehensive Plan Justification")

The proposed Agricultural zoning district (A-1) will conform to the Comprehensive Plan. The land is currently zoned Residential (R-3) and lies within an area designated as Rural in the comprehensive plan.

2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.

The parcels to each side of this 3 acre district are zoned A-1. Rezoning will result in consistency and uniformity of requirements in the neighborhood.

3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.

There are no proposed changes to the current use of the property. Two residential structures will remain. I would like to have animals, such as horses, on this property at a later time. Farm animals are a permitted use in A-1 and are not in R-3 unless parcel is 5 acres in size.

4. Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.

Adequate infrastructure exists to maintain the current residential use. No increase in density or level of use of public facilities is proposed.

5. The effect of the proposed rezoning on the County's ground water supply.

No change in use is proposed. There is no expected effect on the County's ground water supply as a result of this rezoning.

6. The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.

No change in structural capacity of the lots is proposed.

7. The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.

No change in use is proposed.

8. Whether a reasonably viable economic use of the subject property exists under the current zoning.

 5/4/09

MEMORANDUM

TO: Planning Commission
FROM: Planning Department
DATE: May 5, 2009
RE: **Preliminary Plat Approval for Northwoods Phase 1 Subdivision**

Background – Northwoods Phase 1 Subdivision is located on Merrimac Road (SR 657). It was rezoned to Residential (R-1) in July 1996 with seven (7) proffered conditions. (See attached Ordinance 1996-11.) Joe Powers and Dari Jenkins submitted a letter to Mr. William Price on July 17, 2007 addressing how the seven proffered conditions would apply to the County's review of the first phase of Northwoods Subdivision (copy attached). This phase of the subdivision will consist of 22 lots served by public water and sewer provided by the Montgomery County Public Service Authority (PSA). A different preliminary subdivision plat was reviewed and approved by the Planning Commission on June 19, 2008 with an entrance at Haywood Lane. Since this new preliminary plat is substantially different that the previous approval additional action from the Planning Commission is required.

Developer – Triple J Investments, Inc.

Consultant – Anderson & Associates, Inc.

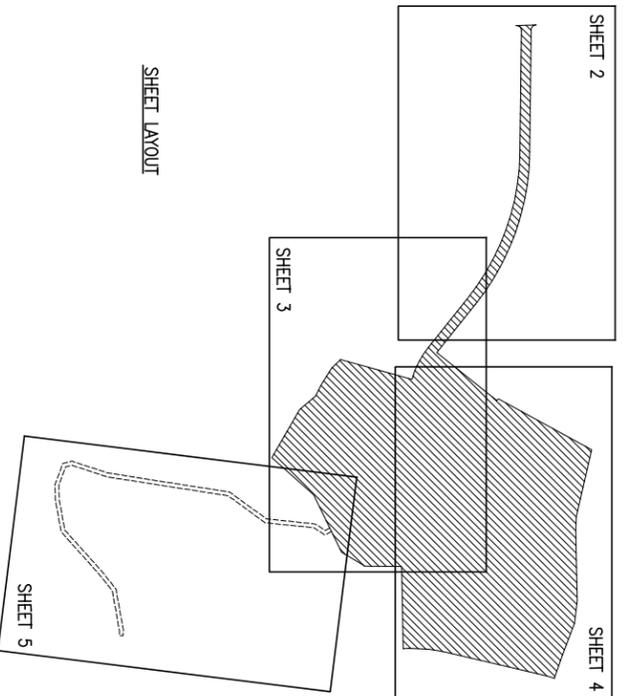
Draft Resolution – Preliminary Plat Approval for Northwoods Phase 1 (Anderson & Associates, Inc. Document No. 24017-004 dated April 2, 2009) is made subject to the following seven conditions:

1. The Virginia Department of Transportation (VDOT) shall review and approve the Oilwell Road construction and drainage plans for the roads within Phase 1 including any improvements to Merrimac Road (Rte. 657) and/or Oilwell Road.
2. The Montgomery County Public Service Authority (PSA) shall review and approve all public water and sewer construction plans including the provisions for fire protection described in Montgomery County Subdivision Ordinance.
3. The Virginia Department of Environmental Quality (DEQ) shall approve the storm water management and erosion & sediment control measures under the Virginia Water Protection Permitting Guidelines and all wetland disturbances.
4. The County Engineer shall review and approve the erosion & sediment control plans.
5. The County Attorney shall review and approve the private covenants and deed restrictions with regard to the riparian buffer / open space easement and stormwater maintenance facilities.
6. The County GIS Analyst shall approve new street name(s).
7. All remaining items on the attached Subdivision Application Report dated April 29, 2009 shall be addressed.

8. Compliance with all proffered conditions (ordinance 1996-11) and letter of July 17, 2009 must be documented.

After all the above conditions are met, the Planning Commission will review and act on the Final Plat of Subdivision.

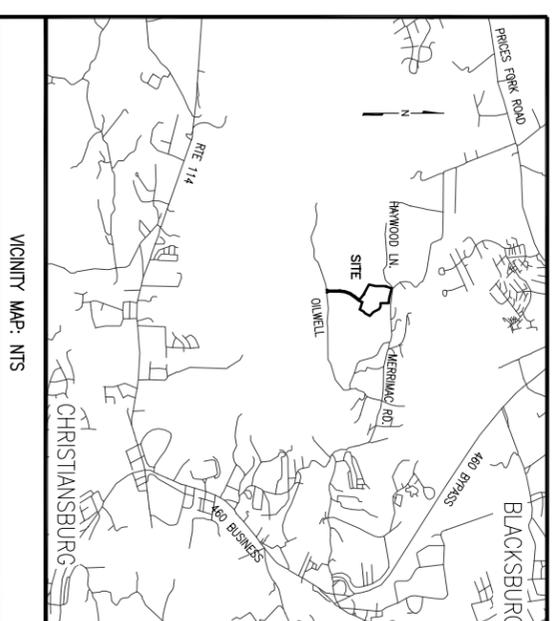
Attachments: Preliminary Plat dated April 2, 2009
Subdivision Application Report dated April 29, 2009
Board of Supervisors Ordinance FY-1996-11
Planning Department Letter Dated July 17, 2007



CURVE	ADIUS	DELTA	TANGENT	CHORD	BEARING	LENGTH
C1	25.00	89°29'53"	24.78	35.20	N45°29'11"E	39.05
C2	1254.58	38°00'14"	432.03	816.98	S19°42'43"W	832.15
C3	425.00	37°18'22"	143.47	271.86	N20°03'50"E	278.72
C4	795.00	6°33'40"	45.57	90.99	N01°52'11"W	91.04
C5	795.00	10°49'31"	75.33	149.98	N10°33'46"W	150.21
C6	795.00	10°49'44"	75.35	150.03	N21°23'24"W	150.25
C7	795.00	11°11'15"	77.86	154.89	N27°23'55"W	155.23
C8	475.00	20°28'53"	86.38	169.98	N48°17'58"W	170.90
C9	35.00	65°41'03"	22.59	37.96	S86°33'04"W	40.12
C10	50.00	245°41'03"	77.46	84.02	S01°28'56"E	214.40
C11	525.00	11°29'07"	52.80	105.06	N49°36'29"W	105.24
C12	525.00	11°29'07"	52.80	105.06	N49°36'29"W	105.24
C13	525.00	5°54'25"	27.09	54.10	N40°56'43"W	54.12
C14	845.00	11°18'10"	9.61	19.21	N37°20'28"W	19.21
C15	845.00	7°53'01"	58.23	116.17	N32°44'50"W	116.27
C16	845.00	8°29'07"	62.88	125.03	N23°33'47"W	125.14
C17	845.00	8°29'06"	62.88	125.02	N07°58'37"W	125.12
C18	845.00	8°29'02"	62.88	125.01	N07°58'37"W	125.14
C19	845.00	4°45'45"	35.14	70.22	N07°58'13"W	70.24
C20	1204.58	38°00'14"	414.82	784.42	N19°42'43"E	798.99
C21	475.00	37°18'22"	160.34	303.84	N20°03'50"E	309.28
C22	25.00	93°44'09"	26.69	36.49	N46°10'03"W	40.90
C23	277.76	18°38'33"	45.59	89.98	S80°11'27"E	90.38

LINE	LENGTH	BEARING
L1	627.76	N01°42'22"E
L2	313.94	N38°43'01"E
L3	623.53	N00°42'39"E
L4	313.94	N38°43'01"E
L5	27.12	N84°51'40"E
L6	78.44	N21°54'22"W
L7	43.44	N01°14'47"W
L8	33.89	N01°14'47"W
L9	9.72	N01°14'47"W
L10	10.02	N01°14'47"W
L11	10.02	N01°14'47"W

AREA AND LOT ASSIGNMENT TABLE			
1	45,348 SQ.FT.	0.41 ACRES	1
2	62,776	N01°42'22"E	1
3	35,316 SQ.FT.	0.811 ACRES	1
4	36,686 SQ.FT.	0.828 ACRES	1
5	27,548 SQ.FT.	0.632 ACRES	1
6	23,733 SQ.FT.	0.545 ACRES	1
7	28,895 SQ.FT.	0.663 ACRES	1
8	43,342 SQ.FT.	0.995 ACRES	1
9	44,901 SQ.FT.	1.028 ACRES	1
10	52,819 SQ.FT.	1.221 ACRES	1
11	55,366 SQ.FT.	1.271 ACRES	1
12	49,311 SQ.FT.	1.132 ACRES	1
13	61,079 SQ.FT.	1.402 ACRES	1
14	62,253 SQ.FT.	1.431 ACRES	1
15	48,014 SQ.FT.	1.02 ACRES	1
16	44,601 SQ.FT.	0.72 ACRES	1
17	45,117 SQ.FT.	1.082 ACRES	1
18	45,467 SQ.FT.	1.044 ACRES	1
19	56,604 SQ.FT.	1.299 ACRES	1
20	62,116 SQ.FT.	1.426 ACRES	1
21	62,116 SQ.FT.	1.426 ACRES	1
22	79,317 SQ.FT.	1.821 ACRES	1
TAX PARCEL 66(A)1 (R-1 ZONED AREA			52



PHASE I AREA STATISTICS	
Total Green Area	4031 AC
Total Orange Area	018 AC
Total Area (Green + Orange)	4071 AC
Total Green Space Available	1258 AC
Total Green Space Dedicated During Phase I (2007)*	814 AC
Remaining Green Space to be Dedicated During Future Phases of Northwoods	442 AC
Total Area to be Dedicated to VDOT for Street Right-of-Ways	383 AC
Total Area of All 22 Lots	2414 AC

* 814 Acres of Green Space Will be Provided by Part of Phase I, The Remaining 442 Acres Shall be Carried Over to Subsequent Phases of the Project.

GENERAL NOTES:

1. THIS PLAN REPRESENTS AN ACTUAL FIELD SURVEY PERFORMED IN FALL 2007.
2. THIS PLAN OF SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
3. SUBJECT PARCEL: TAX MAP 66(A)1, PARCEL ID #002706
4. OWNER ADDRESS: MERRIMAC ROAD, BLACKSBURG, VIRGINIA 24063
5. OWNER: TRIPLE J INVESTMENTS, INC., P.O. BOX 1499, BLACKSBURG, VIRGINIA 24063
6. REFERENCES: SUBJECT PARCEL: MONTGOMERY COUNTY TAX MAP 66(A)1; PARCEL ID 002706; DEED BOOK 642 PAGE 259
7. PROPERTY IS ZONED: MONTGOMERY COUNTY R1 - RESIDENTIAL DISTRICT
8. SUBJECT PARCEL DOES NOT LIE WITHIN A FEMA DESIGNATED 100 YEAR FLOOD ZONE PER FEMA FLOOD MAP PARCEL NO. 510099 0025 A, BEARING AN EFFECTIVE DATE OF OCTOBER 17, 1978.
9. FUTURE STATE OWNED UTILITIES: VIRGINIA STATE POWER, VERMILION DAM AND 88.
10. ALL LOTS SHALL BE SERVED BY PUBLIC WATER AND SEWER PROVIDED BY THE MONTGOMERY COUNTY PUBLIC SERVICE AUTHORITY.
11. PROPOSED SUBDIVISION SHALL BE SUBJECT TO NINE (9) PROFFERS AS OUTLINED IN ORDINANCE 1996-11, DATED JULY 8, 1996.
12. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
13. ALL STORMWATER DETENTION FACILITIES SHALL BE RESPONSIBLE FOR FUTURE MAINTENANCE AND LIABILITY OF OWNER.
14. OWNER SHALL BE RESPONSIBLE FOR ACQUIRING ALL OFF-SITE UTILITY EASEMENTS.

EASEMENT NOTES:

1. PERMANENT SURFACE SEWER EASEMENTS ALONG TRUNK LINES SHALL BE 20 FOOT IN WIDTH.
2. PERMANENT STORM DRAINAGE EASEMENTS SHALL BE 20 FOOT IN WIDTH, CENTERED ON DITCH.
3. A 15 FOOT WIDE PUBLIC UTILITY EASEMENT, PARALLELING THE PROPOSED RIGHT-OF-WAYS OF ALL PROPOSED ROADS, SHALL BE DEDICATED TO THE COUNTY.
4. ALL EASEMENTS, AS SHOWN, HEREBY CREATED AND DEDICATED TO THE APPROPRIATE AUTHORITY.

ANDERSON & ASSOCIATES, INC.
Professional Design Services
www.andassoc.com
100 Ardmore St., Blacksburg, Va. 24060
540-552-2592

DATE : 02 APR 09
DESIGNED : JRC
DRAWN : NAM
CHECKED : NAM
BY : LIB

REV. #

COMMENTS

DATE

WILLIAM H. PRICE
TRIPLE J INVESTMENTS, INC. (CHAIRMAN)

DATE

NORTHWOODS PHASE I
PRELIMINARY MAJOR SUBDIVISION

PRICES FORK MAGISTERIAL DISTRICT
MONTGOMERY COUNTY, VIRGINIA

DOCUMENT NO. 24017-004
SHEET 1 OF 5

NORTHWOODS PHASE I SUBDIVISION

NOTARY'S CERTIFICATE:

COMMONWEALTH OF _____ TO-WIT:
CITY/COUNTY OF _____ A NOTARY PUBLIC IN AND FOR THE STATE AND COUNTY AFORESAID DO HEREBY CERTIFY THAT WHOSE NAMES ARE SIGNED TO THE WRITING BEARING THE DATE OF _____ HAVE PERSONALLY APPEARED BEFORE ME AND ACKNOWLEDGED THE SAME. GIVEN UNDER MY HAND AND SEAL ON THIS _____ DAY OF _____, 20____

CERTIFICATE OF APPROVAL:

THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION AND ZONING REGULATIONS OF MONTGOMERY COUNTY, VIRGINIA AND MAY BE ADMITTED TO RECORD.
STAFF ENGINEER, VIRGINIA DEPARTMENT OF TRANSPORTATION _____ DATE _____
ZONING ADMINISTRATOR OR AGENT _____ DATE _____

MONTGOMERY COUNTY APPROVAL STATEMENT:

UNDER THE AUTHORITY OF THE SUBDIVISION AND ZONING ORDINANCES, ACTING FOR AND ON BEHALF OF MONTGOMERY COUNTY, VIRGINIA THIS SUBDIVISION IS HEREBY APPROVED FOR RECORDATION AS A MAJOR SUBDIVISION.

MONTGOMERY COUNTY SUBDIVISION AGENT _____ DATE _____



CONFORMING STATEMENT:
THIS IS TO CERTIFY THAT THIS PLAN OF MAJOR SUBDIVISION IS IN ACCORDANCE WITH THE REQUIREMENTS AND PROVISIONS OF THE SUBDIVISION AND ZONING ORDINANCES FOR MONTGOMERY COUNTY, VIRGINIA.
NEIL AVERY MARTIN, L.S. 2454
SOURCE OF TITLE: _____

PRELIMINARY MAJOR SUBDIVISION
PLAT OF PROPOSED NORTHWOODS - PHASE I
PREPARED FOR TRIPLE J INVESTMENTS, INC.
LOCATED IN

VIRGINIA STATE PLACE
MAD 83 (CORR 96)

PARCEL ID 023547
TAX MAP # 66(A)157
NOW OR FORMERLY
DONALD E. & EVELYN M. MELIA
INST. NO. 2002008432
P.B. 23, PG. 148

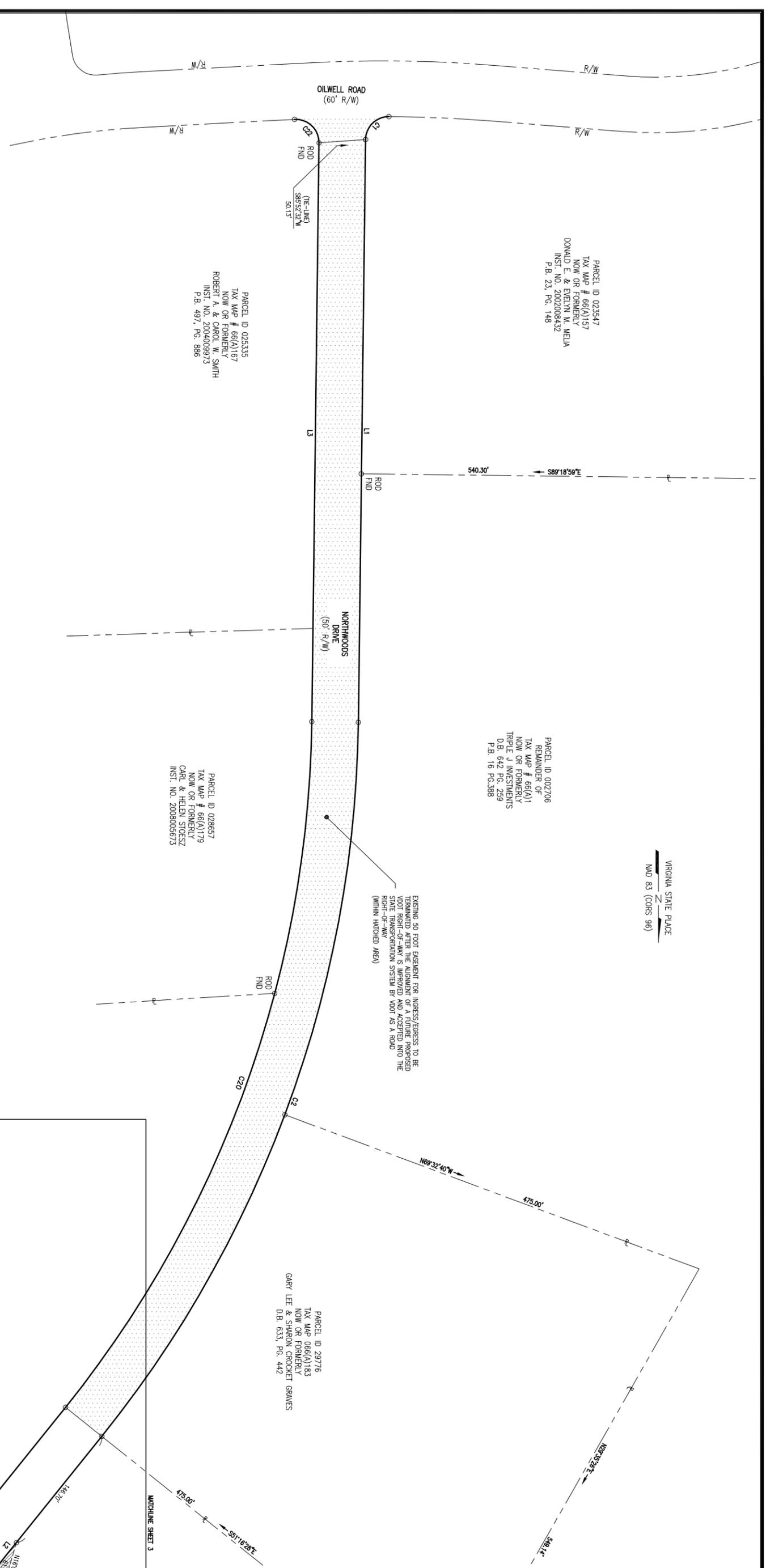
PARCEL ID 002706
REMAINDER OF
TAX MAP # 66(A)1
NOW OR FORMERLY
TRIPLE J INVESTMENTS
D.B. 642 PG. 259
P.B. 16 PG.388

EXISTING 50 FOOT EASEMENT FOR INGRESS/EGRESS TO BE
TERMINATED AFTER THE ALIGNMENT OF A FUTURE PROPOSED
VOT RIGHT-OF-WAY IS APPROVED AND ACCEPTED INTO THE
RIGHT-OF-LAW
(WITHIN HATCHED AREA)

PARCEL ID 29776
TAX MAP 066(A)183
NOW OR FORMERLY
GARY LEE & SHARON CROCKETT GRAVES
D.B. 633, PG. 442

PARCEL ID 028657
TAX MAP # 66(A)179
NOW OR FORMERLY
CARL & HELEN STODSZ
INST. NO. 2008005673

PARCEL ID 025335
TAX MAP # 66(A)167
NOW OR FORMERLY
ROBERT A. & CAROL W. SMITH
INST. NO. 2004009973
P.B. 497, PG. 886



PROPOSED DRAINAGE EASEMENT
AREA=0.286 ACRES (12,425 SQ.FT.)
(WITHIN HATCHED AREA)

PARCEL ID 002706
REMAINDER OF
TAX MAP # 66(A)1
NOW OR FORMERLY
TRIPLE J INVESTMENTS
D.B. 642 PG. 259
P.B. 16 PG.388



ANDERSON & ASSOCIATES, INC.
Professional Design Services
www.andassoc.com
100 Ardmore St.
Blacksburg, Va. 24060
540-552-9592

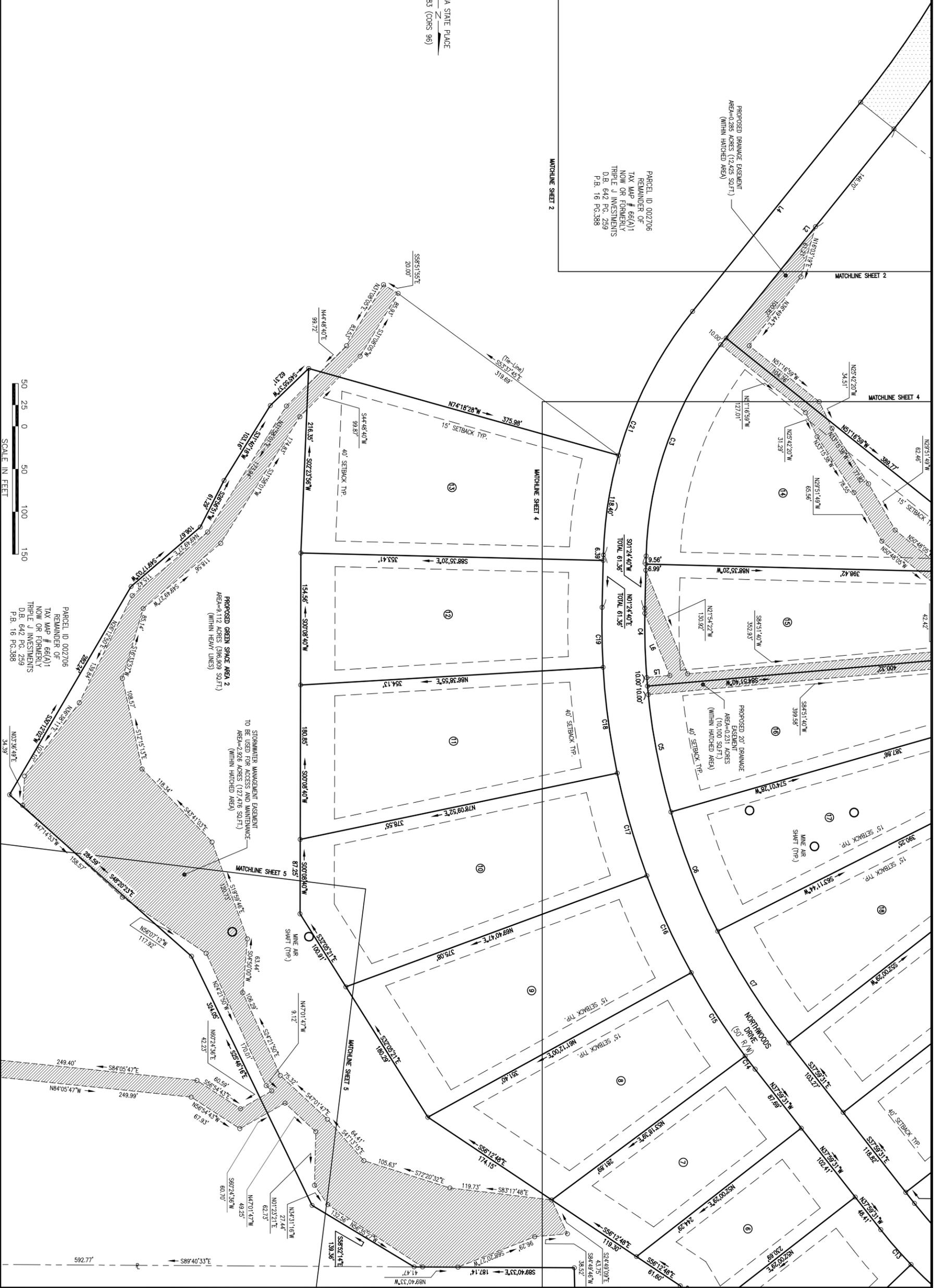
DATE	REV. #	COMMENTS
02 APR 09		

DATE	DESIGNED:	DRAWN:	CHECKED:	IN CH.
	JRC	JRC	NAM	LIB

NORTHWOODS PHASE I
PRELIMINARY MAJOR SUBDIVISION

PRICES FOR MAGISTERIAL DISTRICT
MONTGOMERY COUNTY, VIRGINIA

DOCUMENT NO.	24017-004
SHEET	2 OF 5

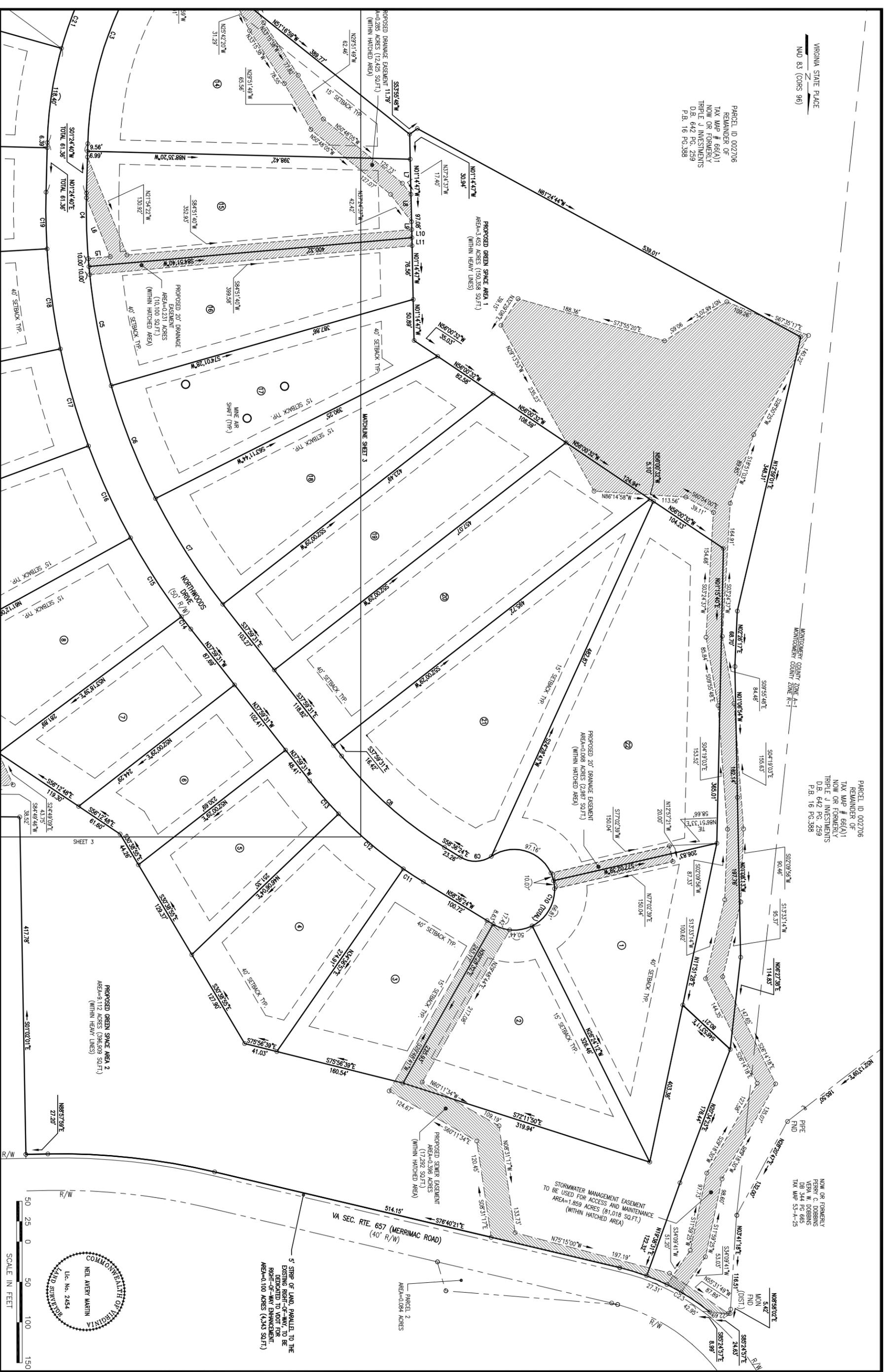


VIRGINIA STATE PLACE
 MAD 83 (COORDS 96)

PARCEL ID 002706
 REMAINDER OF
 TAX MAP # 68(A)1
 NOW OR FORMERLY
 TRIPLE J INVESTMENTS
 D.B. 642 PG. 259
 P.B. 16 PG.388

PARCEL ID 002706
 REMAINDER OF
 TAX MAP # 68(A)1
 NOW OR FORMERLY
 TRIPLE J INVESTMENTS
 D.B. 642 PG. 259
 P.B. 16 PG.388

NOW OR FORMERLY
 FERRIS C. DOBBINS
 DB 344 PG 665
 TAX MAP 53-A-25



ANDERSON & ASSOCIATES, INC.
 Professional Design Services
 www.andassoc.com
 100 Armore St.
 Blacksburg, Va. 24060
 540-552-9592

DATE : 02 APR 09
 DESIGNED : JRC
 DRAWN : JRC
 CHECKED : NAM
 CWN / DC : LIB

REV. #

COMMENTS

DATE

NORTHWOODS PHASE I
 PRELIMINARY MAJOR SUBDIVISION

MONTEGOMERY COUNTY, VIRGINIA

PRICES FOR MAGISTERIAL DISTRICT
 MONTGOMERY COUNTY, VIRGINIA

DOCUMENT NO.
 24017-004
 SHEET
 4 OF 5

RESOLUTION

WHEREAS, William Stephen (Steve) Howard has provided dedicated and distinguished service to the people of Montgomery County as a member of the Montgomery County Planning Commission from June 2001 to May 2009; and

WHEREAS, Mr. Howard has provided leadership while serving as elected Chair (2007), Vice-Chair (2006) and Secretary (2003, 2004, 2005) of the Planning Commission; and

WHEREAS, Mr. Howard's commitment to better planning is evidenced by his participation in the development of the Comprehensive Plan (2004) and six (6) Village Plans for Montgomery County, by his service as liaison to the Parks & Recreation Commission and by his certification by the Virginia Citizens Planning Association; and

WHEREAS, the wise council of Mr. Howard has always been for the betterment of the citizens of Montgomery County.

NOW THEREFORE, BE IT RESOLVED, that the Montgomery County Planning Commission hereby expresses its appreciation to William Stephen (Steve) Howard for eight (8) years of outstanding service to the people of Montgomery County.

Robert "Bob" Miller, Chair

Walt Haynes, Vice-Chair

William Seitz, Secretary

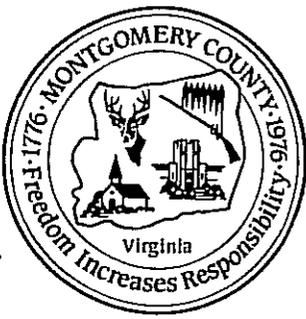
Frank Lau

David Moore

Bryan Rice

Malvin "Pug" Wells

John Muffo, Board Liaison



MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

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

MEMORANDUM

May 6, 2009

TO: Planning Commission Members
FROM: Steven M. Sandy, Planning Director *SMS*
RE: Planning & GIS Services Fee Increase Information

Attached please find a proposal to increase fees for the Planning & GIS Services Department. This fee schedule was submitted and recommended as part of the budget submittal process for FY 2009-2010.

The fee increase proposed is two-fold. First, the new fee schedule generally represents a twenty-five percent (25%) increase in the current base fees. In addition to this increase, it is proposed that the charge for legal notification in the local newspaper be paid by the applicant rather than the County.

Three fees noted on the spreadsheet have been increased in excess of twenty-five percent (25%). Currently, there are no review fees for family subdivisions or zoning permits. The family subdivision review fee has been proposed to be set at \$50 and the zoning permit review fee is proposed to be set at \$10. Also, the site plan base review fee is proposed to be increased from \$100 to \$300.

I will go over these items at are meeting on the 13th.

Attachments

**AMENDMENT TO THE FEE SCHEDULE
PLANNING & ZONING
May 13, 2009**

**FEE SCHEDULE
PLANNING AND ZONING**

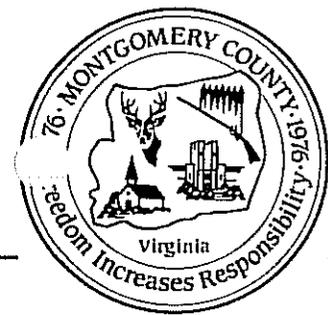
<u>Application/Permit Type</u>	<u>Fee</u>
Rezoning (<i>to</i>)	
A-1	\$375 300
R-R, R-1, R-2	\$500 400 + \$20/acre or portion thereof
R-3, RM-1	\$625 500 + \$25/acre or portion thereof
GB, CB	\$750 600 + \$30/acre or portion thereof
ML, M-1	\$875 700 + \$35/acre or portion thereof
PUD-Res, PUD-Com, PIN, PMR	\$1000 800 + \$40/acre or portion thereof
Special Use Permit	
Telecommunications Tower	\$500 400
Automobile Graveyard	\$2500 2000
Extractive Industry	\$1250 1000
Change in proffered conditions	\$500 400 + \$20/acre or portion thereof
Comprehensive Plan Amendment	\$500 400
Variance Request - BZA	\$500 400
Appeal of Zoning Administrator's decision - BZA	\$425 350
Sign Permit	
General Advertising (Billboard)	\$40 30
	\$375 300
Zoning Permit	\$10 0
Subdivision Review Fee	
Major Subdivision	\$250 200 per plat + \$20 per lot over 5
Minor Subdivision	\$100 70 per plat + \$10 per lot over 5
Family Subdivision	\$50 0
Boundary Line Adjustment	\$45 30
Boundary Line Adjustment with vacation	Same as Minor Subdivision

Subdivision Sign Fee (per BOS Resolution 5-28-1991)	\$160 per intersection
Site Plan Review	\$300 +00 + \$20/acre or portion thereof
Zoning Confirmation Letter	\$125 +00
DMV Certification Letter	\$40 30
Technology Fee	2% of base fees minimum \$10

When a joint application/permit is sought for both a rezoning and a special use permit, only the higher fee shall be charged.

Applicant must pay all legal advertisement fees. Staff will prepare ad for the applicant and deliver ad to The Roanoke Times. Applicant is responsible for contacting and paying The Roanoke Times for the ad. If the applicant is a private citizen, not a business, the applicant must set up payment for the ad prior to the deadline date stated on the advertisement notice. If payment is not made to The Roanoke Times prior to the deadline date, the ad will not be run and the application will not be heard at the scheduled hearing.

Application/permit fees are non-refundable regardless of whether the application/permit is approved, denied or withdrawn.



MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

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

MEMORANDUM

TO: Montgomery County Planning Commission

FROM: Dari S. Jenkins, CZO 
Planning & Zoning Administrator

DATE: May 6, 2009

SUBJ: Proposed Zoning Ordinance Amendments

Per our discussion during the April 8, 2009 meeting, staff has been working on draft amendments to the following sections of the Zoning Ordinance:

- Section 10-38, ASO Airport Safety Overlay
 - An amendment to include a reference to a map entitled "Airport Overlay Notification Area"
 - An amendment to include a description of the required notification area. Upon receipt of a zoning request located within the notification area, staff will request information from Virginia Department of Aviation regarding the effect of the request upon the operation of the airport.
- Section 10-37, Flood Damage Prevention Overlay
 - An amendment to include required changes to the ordinance as specified by the Department of Conservation and Recreation to satisfy FEMA requirements. Several text changes are required along with the inclusion of several definitions not currently found in the ordinance. These amendments must be approved with an effective date of September 25, 2009 to accompany new floodplain mapping.
- Section 10-41, Supplemental District Regulations
 - An amendment to specify uses to be considered as accessory uses to agriculture. In response to a request by Joseph King, staff is working on an amendment to deal with portable storage facilities utilized for agricultural purposes.
 - An amendment to reduce the acreage requirement to allow an accessory dwelling in the Agricultural (A-1) and Conservation (C-1) districts. Following the Commission's guidance on the Nancy Phillips request, staff is working on language to reduce the acreage requirement for accessory dwellings within the structure of the primary dwelling.
- Section 10-61, Definitions
 - Amendments to the definition section of the ordinance will be required to support the amendments to the Flood Damage Prevention Overlay.

A copy of the draft amendments will be distributed and reviewed at the meeting on Wednesday, May 13, 2009.