

MONTGOMERY COUNTY PLANNING COMMISSION
November 9, 2011 @ 7:00 P.M.
Board Room, Government Center

AGENDA

CALL TO ORDER:

DETERMINATION OF A QUORUM:

APPROVAL OF AGENDA:

APPROVAL OF CONSENT AGENDA:

PUBLIC ADDRESS:

PUBLIC HEARING:

1. An Ordinance to renew Agricultural and Forestal District #2 (Catawba) is located approximately 0.75 miles to the northeast from the intersection of Harding Rd. (Rt. 785) and Lusters Gate (Rt. 729) and extends along Catawba Rd. (Rt. 765) for approximately 6.6 miles to the Roanoke County line. AFD 2 currently consists of 30 property owners and 6,341 acres.

OLD BUSINESS:

NEW BUSINESS:

- H.S. Tejas Private Road (Steven Sandy)
- Appointment of Nominating Committee (Bryan Rice)

WORKSESSION:

LIAISON REPORTS:

- Board of Supervisors- John Muffo
- Agriculture & Forestal District- Bob Miller
- Blacksburg Planning Commission – Frank Lau
- Christiansburg Planning Commission – Bryan Rice
- Economic Development Committee- John Tuttle
- Public Service Authority – Malvin Wells
- Parks & Recreation- Ryan Thum
- Radford Planning Commission- Bob Miller
- School Board- Bill Seitz
- Transportation Safety Committee- Malvin Wells
- Planning Director’s Report- Steven Sandy
 - 2010 Work Program Discussion

MEETING ADJOURNED:

UPCOMING MEETINGS:

November	16, 2011	Planning Commission Regular Meeting CANCELLED
December	7, 2011	Planning Commission Site Visits (To be determined) Planning Commission Public Hearing (7:00 pm)
January	11, 2012	Planning Commission Public Hearing (7:00 pm)
January	18, 2012	Planning Commission Site Visits (To be determined) Planning Commission Regular Meeting (7:00 pm)

**MONTGOMERY COUNTY PLANNING COMMISSION
CONSENT AGENDA
November 9, 2011**

A. APPROVAL OF MINUTES

- August 10, 2011

ISSUE/PURPOSE:

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

B. SCHEDULE THE FOLLOWING ITEM FOR PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION ON DECEMBER 7, 2011 AND BOARD OF SUPERVISORS ON DECEMBER 12, 2011

*** THERE ARE NO PUBLIC HEARINGS SCHEDULED FOR DECEMBER ***

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON AUGUST 10, 2011 AT THE ELLISTON/LAFAYETTE FIRE STATION, ELLISTON, VIRGINIA:

CALL TO ORDER:

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

Present: Bryan Rice, Chair
Ryan Thum, Secretary
William Seitz, Vice Chair
Robert Miller, Member
John Tuttle, Member
Malvin Wells, Member
Frank Lau, Member
Joel Donahue, Member
John Muffo, Board of Supervisors Liaison
Steve Sandy, Planning Director
Jamie MacLean, Development Planner
Dari Jenkins, Planning & Zoning Administrator
Brea Hopkins, Planning & Zoning Technician

Absent: Walt Haynes, Member

CALL TO ORDER:

DETERMINATION OF A QUORUM:

PUBLIC ADDRESS:

Mr. Rice opened the public address session. There being no speakers the public address session was closed.

APPROVAL OF AGENDA:

On a motion by Mr. Miller, seconded by Mr. Thum and unanimously carried the agenda was approved as presented.

NEW BUSINESS:

Hairston May Subdivision Variance

Ms. MacLean stated the applicants have requested a variance to Section 8-152(bb)(3) of the Montgomery County Code which states: Any plat showing a private access easements serving three (3) or more lots or tracts shall be reviewed and signed, by the Virginia Department of Transportation prior to the approval of the final plat. VDOT has stated that sight distance could not be obtained in order to upgrade the intersection of Hawley and Walton Roads; and therefore, they will not approve and sign the plat. The planning department cannot sign the plat unless a variance is granted or approval is received from VDOT. She reviewed the criteria for granting the subdivision variance. This section of the ordinance was changed as part of the revisions approved in April 2011 based on VDOT's requirements in their land use manual. Based on their definition any private road with 2 or more residences requires a commercial entrance. Staff has received an email from VDOT stating they will no longer review family and minor subdivision plats; however, the ordinance still requires their approval. Staff has scheduled to meet with VDOT representatives on August 23rd to discuss the discrepancies in the ordinance and policies. Staff

recommends tabling the request until the meeting can be held. The county attorney has concurred with the staff recommendation to table the request.

Mr. Donahue stated he was confused as to how the planning commission could grant a variance to the subdivision ordinance and resolve the issue if VDOT is the reviewing agency.

Mrs. MacLean stated the variance is to bypass VDOT review and not require their approval.

Mr. Seitz asked if the access road could be relocated to make it possible to upgrade the entrance.

Mrs. MacLean stated VDOT has simply stated that there is not sufficient sight distance and they have not identified any alternatives.

Mr. Muffo noted the entrance is in existence and utilized by sixteen homes. A new entrance is not being created; however, the existing entrance does not meet current regulations.

Mr. Sandy noted this policy is a recent addition to state code and there are many roads in this situation in the county.

Mr. John Christman, Blacksburg, surveyor for 40 years, stated his clients purchased the property in two tracts and combined the properties through a boundary line adjustment so the parcel would have access onto Hawley Road. When the boundary line adjustment was done a 40 ft. right of way was platted and recorded. This is the only right of way platted and recorded. The road is not state maintained; however, has been in existence for years. There are two access points onto Walton from Hawley Road. He noted he was not sure which entrance was reviewed by VDOT for approval. There is not a maintenance agreement for the road and it has not been determined who provides the maintenance. The original subdivision proposal was a four (4) lot family subdivision and four (4) septic sites have been located. He noted he was unaware of any potential issues with VDOT or the entrance until after the plat was complete. The clients have gone to a considerable expense to purchase additional property in order to have access. The revised proposal is for a two (2) lot subdivision. Mr. Christman stated the request meets the requirement for a variance request and it would be an injustice to not allow owners to divide or develop their property.

Mr. Seitz asked if the request was being amended for two (2) lots to be created instead of the four (4) shown on the submitted plat.

Mr. Christman stated that he was proposing two (2) lots with frontage on Hawley Rd. The revised proposal meets the requirement that all lots would be allowed access to Hawley Road.

Mr. Wells asked if the entrance could be brought into compliance if required.

Mr. Christman noted his clients are not the owners of the property where the entrance is located and therefore, cannot complete the work. The project has been delayed a year due to equipment issues, road relocations, etc.

Mr. Rice stated he did not feel the proposed lot division would adversely affect the surrounding properties; however, he was concerned about setting precedence for others to avoid obtaining the necessary approvals.

Mr. Christman stated by leaving the decisions to VDOT properties are going to be devalued. The County has revised their subdivision rules to mirror VDOT regulations. VDOT makes policies for the Tidewater area that may not be feasible in Southwestern Virginia.

Mr. Sandy stated if the ordinance was revised to not require VDOT's review of the plats, then the applicant would have to work with VDOT to obtain an entrance permit. Part of the reason for VDOT's review and approval of the plat is to prevent the owner from purchasing property and then not being able to build because they are unable to construct an entrance.

Mr. Christman noted surveyors could always provide a statement on plats that the roads are not in the state system.

On a motion by Mr. Donahue, seconded by Mr. Seitz and unanimously carried the Planning Commission tabled the variance request for the Hairston/May Subdivision Plan until additional information from VDOT can be obtained.

WORKSESSION

On a motion by Mr. Miller, seconded by Mr. Thum and unanimously carried the Planning Commission entered into work session.

Mr. Sandy stated the consultants held a meeting for staff and the community earlier in the day.

Mr. Vlad Gavrilovic, consultant, stated the goal of the Planning Commission meeting was to bring together property owners, staff, and commission members to look at some of the draft concepts for the Lafayette Plan. He reviewed concerns expressed by the property owners and planning commission such as traffic, economic development, bike/pedestrian safety, screening of incompatible uses, potential intermodal facility, and preservation of scenic qualities. The three key issues identified were: economic development, safety, and maintaining the scenic quality.

Mr. Milt Herd, consultant, reviewed the existing zoning of the area and the potential for future rezoning and development.

Mr. Bill Wuensch discussed the transportation analysis and issues in the corridor.

Mr. Gavrilovic stated the goal of the plan is to further develop design parameters for the areas of the village plan. He presented representations and principles for the types of development that would be found in the various designated areas.

Mr. Wuensch discussed transportation and pedestrian safety recommendations.

Mr. Gavrilovic reviewed the process for implementation of the plan. He also reported on the citizen response to the discussions held earlier in the day.

Mr. Seitz stated that the majority of the people may want the transportation speed to continue because the corridor is an access to Roanoke. It seems necessary to move the population center off the main highway. He noted he supported the underpass trail crossings.

On a motion by Mr. Seitz, seconded by Mr. Donahue and unanimously carried the worksession was closed.

LIAISON REPORTS:

Board of Supervisors- Mr. Muffo reported a group called "Agenda 21" spoke to the board. This group of citizens is affecting planning projects in some adjoining counties. He suggested Planning Commission members watch the meeting tape if possible.

Agriculture & Forestal District- Mr. Miller stated the committee met to conduct site visits of the 3 districts for renewal. Many properties are not being renewed and are requested for removal.

Blacksburg Planning Commission – No report.

Christiansburg Planning Commission – No report.

Economic Development Committee- No report.

Public Service Authority – Mr. Wells stated there were not any planning or zoning related issues discussed at the PSA meeting.

Parks & Recreation- No report.

Radford Planning Commission- No report.

School Board- No report.

Transportation Safety Committee- No report.

Planning Director's Report- Mr. Sandy stated Mr. Creed had discussed an issue with a crossover at Walnut Grove Road. That issue may be something the safety committee could refer to VDOT. He reminded commission members that the next meeting had been cancelled.

There being no further business, the meeting was adjourned at 7:50 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 *JRM*

DATE: November 1, 2011

RE: **Agricultural & Forestal District (AFD) #2 (Catawba) Renewal—Revised**

I. Background

During our meeting on October 12, 2011, the Planning Commission discussed the renewal of AFD district #2, located approximately 0.75 miles to the northeast from the intersection of Harding Rd. (Rt. 785) and Lusters Gate (Rt. 729) and extending along Catawba Rd. (Rt. 765) for approximately 6.6 miles to the Roanoke County line.

Upon a motion duly seconded and carried by a 9-0 vote, the Planning Commission recommended **approval** of the proposed renewal and additions to the AFD District #2 with the same terms as the previous eight (8) years. In discussion, Commission members felt renewal of this district for an additional eight years would be a benefit to the County.

However, on October 19, 2011, Mr. John B. Sutphin came to the Planning Department Offices and stated that he wished to renew his participation in the AFD, rather than withdrawal his properties, as previously stated.

As required by Virginia State Code, the legal advertisement for AFD renewals must state "additional qualifying lands may be added to this district at any time prior to the Board of Supervisors' action". Since Mr. Sutphin chose to modify his request prior to the Board of Supervisor's action, which was scheduled for October 24, 2011, staff is bringing AFD 2 (Catawba) back to the Planning Commission for review and recommendation to the Board of Supervisors.

Mr. Sutphin's properties total approximately 282.02 acres, and are located in the southwestern corner of the Catawba AFD. Mr. Sutphin's properties have been highlighted on the attached map. All other aspects of the proposed renewal of AFD 2 are the same as the request reviewed by the Planning Commission on October 12, 2011.

II. Action by Planning Commission

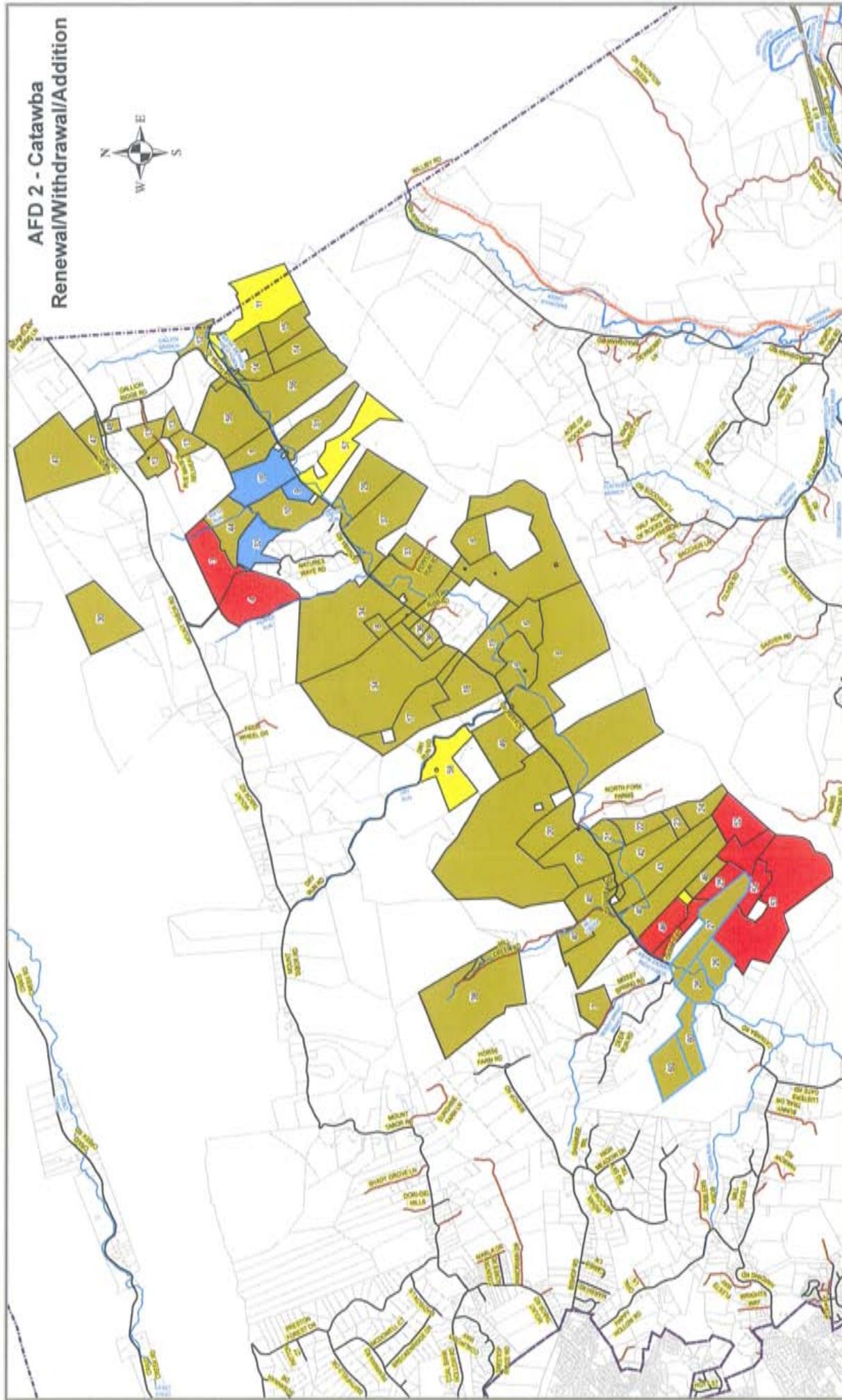
The Planning Commission is responsible for reviewing the AFD Advisory Committee's recommendation regarding the renewal of the district and then making a Commission recommendation to the Board of Supervisors. The Board of Supervisors is scheduled to hold a public hearing on the renewal on November 28, 2011.

III. Staff Recommendation

Planning Staff preliminarily recommends **approval** of the proposed renewal, addition, and withdrawal of parcels within AFD 2 (Catawba) for a period of eight years. AFD 2 (Catawba) will consist of approximately 33 property owners and 5,843 acres for a period of eight (8) years, and be scheduled to expire on December 31, 2019.

Enclosures: AFD #2 Map, Revised November 1, 2011

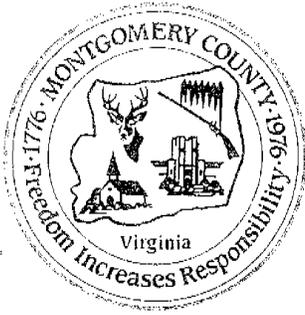
AFD 2 - Catawba Renewal/Withdrawal/Addition



Legend

- AFD 2 Catawba ACTION
- Addition
- Renewal
- No Response
- Withdrawal

Map Prepared by Montgomery County, Va
Planning and GIS Services, 7/20/2011
Revised 10/5/2011
Revised 11/11/11



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 *CKM*

DATE: November 1, 2011

RE: **HS Tejas Private Road Request-Revised**

I. Background

On September 8, 2008, the Board of Supervisors approved the use of private streets to serve the HS Tejas Major Subdivision by resolution R-FY-09-31. There were seven (7) conditions associated with the approval issued by the Board of Supervisors (resolution attached).

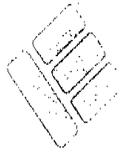
On June 20, 2011, the owners of HS Tejas Subdivision acquired an additional 36.249 acres, from an adjacent property. Through a boundary line adjustment the additional 36.249 acres were added to the existing 872.55 acres for a revised total acreage of 908.799 acres (survey plat attached).

The owners of HS Tejas Subdivision would now like to request that the additional acreage (36.249 acres) be included in the previous approval which granted the applicants the ability to utilize private roads to serve the subdivision.

II. Staff Recommendation

Planning Staff preliminarily recommends **approval** of the proposed addition of 36.249 acres, as depicted in instrument number 2011004580, be included in the previous approval which granted the applicants the ability to utilize private roads, subject to conditions listed in R-FY-09-031, to serve the HS Tejas Subdivision.

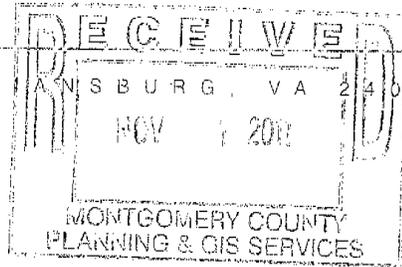
Attachments: Letter from agent, dated November 1, 2011
Survey plat, dated June 15, 2011 (instrument #2011004580)
R-FY-09-31



GAY AND NEEL, INC.

1260 RADFORD STREET CHRISTIANSBURG, VA 24073

November 1, 2011



Mr. Steven M. Sandy
Montgomery County
Department of Planning & GIS Services
755 Roanoke Street, Suite 2A
Christiansburg, VA 24073-3177

RE: H.S. Tejas Subdivision, Fort Lewis Mountain
Job No. 1703.1

Dear Steve:

Please consider this letter as our official request to include additional lands in the HS Tejas Subdivision and extend the permission to utilize private roads to serve these lands.

Specifically, HS Tejas recently acquired a total of 36.924 acres from Paul Goad and Warren Radford. I have attached a copy of the deed and Plat dated June 15, 2011 for your use. This land was formerly known as the Whittaker land and was bounded by Reese Mountain Road to the South and the HS Tejas land to the North. This inclusion will allow for lots of the HS Tejas property to directly have frontage on the existing Reese Mountain Road. This land would also be bound by all other proffers and conditions previously approved for the land by the Board of Supervisors.

Please don't hesitate to call and/or email me with any questions or concerns you may have.

Sincerely,
Gay and Neel, Inc.

John T. Neel, P.E.
President

Enclosures

JTN/asw



AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 8th DAY OF SEPTEMBER, 2008 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

R-FY-09-31
RESOLUTION AMENDING CONDITIONS
OF THE APPROVAL OF THE USE OF A PRIVATE STREET
FOR THE HS TEJAS SUBDIVISION

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors at its May 27, 2008 meeting approved a Resolution authorizing HS Tejas, Ltd. to subdivide Tax Map Parcel 33-(A)-6 ("the Property") using Reese Mountain Road, a private street as access to the public right of way subject to seven (7) conditions; and

WHEREAS, HS Tejas, Ltd. has requested the Board of Supervisors to amend condition number four by allowing the helicopter landing area for emergency evacuation to be located and constructed on property adjacent to the subdivision as opposed to being located and constructed within the proposed subdivision; and

WHEREAS, The Board of Supervisors hereby agrees to approve amending condition number four by allowing the helicopter landing area to be constructed on property adjacent to the proposed subdivision conditioned upon HS Tejas, Ltd. obtaining the necessary property rights and local land use approval to locate and maintain the helicopter landing area off-site.

NOW THEREFORE, BE IT RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approve of HS Tejas, Ltd. subdividing the Property using Reese Mountain Road, a private street, to provide access to the public right of way subject to the proposed subdivision meeting the requirements of the Montgomery County subdivision ordinance and the following additional amended conditions imposed in order to provide the efficient and safe utilization of the Property:

1. A second ingress and egress for the Property for emergency access shall be shown on the subdivision plat and maintained by the property owners from Reese Mountain Road through to Gray Fox Lane in Roanoke County.
2. The private Reese Mountain Road shall be maintained by all the property owners in the subdivision pursuant to a Road Maintenance Agreement. Through covenants and deed restrictions each property owner within the subdivision shall be required to participate in the cost of maintaining private Reese Mountain Road or its successor road. The Road Maintenance Agreement shall be

reviewed and approved by the County Attorney prior to approval of the first subdivision plat submitted for County approval for the Property.

3. The subdivision using private Reese Mountain Road shall have a minimum lot size of 20 acres or greater with no more than 45 lots total for the entire Property and a length of street per lot ratio of one hundred fifty (150) feet per lot or greater. The private Reese Mountain Road shall have a maximum grade of eighteen (18) percent and a minimum width of all weather surface or pavement of eighteen (18) feet. All necessary road improvements shall be completed prior to approval of the first subdivision plat submitted for County approval for the Property.

4. A helicopter landing area shall be constructed within the subdivision or off-site on property adjacent to the subdivision for emergency evacuations. If the helicopter landing area is located and constructed off-site, HS Tejas, Ltd. shall either own the property or obtain necessary easement rights to locate and maintain the helicopter landing area on the off-site property. HS Tejas, Ltd. shall provide to the County prior to subdivision approval documentation concerning the property rights for the use of the off-site property as well as land use approval from Roanoke County should the landing area be located off-site in Roanoke County. The design of the landing area shall be approved by the Lifeguard 10 service. The helicopter landing area shall be constructed prior to any subdivision approval by the County. The helicopter landing area shall be maintained by the Subdivision's Homeowner's Association.

5. Within the covenants and deed restrictions for the subdivision a provision shall be included limiting the clearing of trees to a maximum area of seventy-five (75) feet around each home site with the exception of any clearing needed for the installation of drainfields and driveways which shall be limited to a maximum of fifteen (15) feet beyond the edge of the drainfield site or driveway.

6. HS Tejas, LTD shall provide all purchasers of the Property with a copy of the "Notice to All Potential Purchasers" (the "Notice") prior to closing. A copy of the Notice is attached and incorporated by reference.

7. All lots shall have approved drainfield locations prior to approval of final subdivision plat.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Doug Marrs	
William H. Brown	
John A. Muffo	
Mary W. Biggs	
Gary D. Creed	
Annette S. Perkins	

ATTEST: B. Clayton Goodman, III
B. Clayton Goodman, III
County Administrator