

MONTGOMERY COUNTY PLANNING COMMISSION
April 14, 2010 @ 7:00 P.M.
Board Room, Government Center

A G E N D A

CALL TO ORDER:

DETERMINATION OF A QUORUM:

PUBLIC ADDRESS:

APPROVAL OF AGENDA:

PUBLIC HEARING:

1. A request by **Kelly L. Burdette and John A. Barr Jr.** for a special use permit on 57.139 acres in an Agricultural (A-1) zoning district to allow a commercial kennel and allow two (2) accessory structures in excess of 1,200 sq. ft. in area and 18 ft. in height. The property is located on the north side of Craig Creek Road (Rt. 621), approximately 0.80 miles east of the intersection with Pandapas Pond Rd. (US 460), and is identified as Tax Parcel No. 015-A-1 (Acct # 002518) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

2. A request by **RWW36, LLC (Agent: Balzer and Associates, Inc.)** to amend a concept plan previously approved on September 14, 2009 (ORD-FY-10-13), with possible proffered conditions, to add additional commercial uses and realignment of road on 6.0184 acres zoned General Business (GB). The property is located at the southeast corner of Meadow Creek Rd. (Rt. 658) and Tyler Road (Rt. 600) intersection; identified as Tax Parcel No. 104-4-47 (Account No. 002244) the Riner Magisterial District (District D). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan and is further identified as Planned Commercial in the Route 177 Corridor Plan.

AND

Requests by **Judson H. Young Life Estate (C/O Wagner H. Young), Edwin Mark, Kathleen L. Stewart, and Harmon W. Young (Agent: Balzer and Associates, Inc.)** to rezone approximately 6.047 acres from Agricultural (A-1) to General Business (GB), with possible proffered conditions, to allow commercial and office uses. The properties are located at the southwest corner of the intersection of Meadow Creek Road (Rt. 658) and Barn Road (Rt. 627); identified as Tax Parcel No(s). 104-A-27A, 104-4-40, 104-4-41, 104-4-42, and a portion of 104-A-88, (Account No(s) 008938, 021673, 021674, 021675, 021672) in the Riner Magisterial District (District D). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan and is further identified as Planned Commercial in the Route 177 Corridor Plan.

OLD BUSINESS:

NEW BUSINESS:

- Brush Mountain Subdivision, Phase 11 Preliminary Review

LIAISON REPORTS:

- Board of Supervisors- John Muffo
- Agriculture & Forestal District- Bob Miller
- Blacksburg Planning Commission – John Tuttle
- Christiansburg Planning Commission – Bryan Rice
- Economic Development Committee- David Moore
- Public Service Authority – Malvin Wells
- Parks & Recreation- Walt Haynes
- Radford Planning Commission- Bob Miller
- School Board- Bill Seitz
- Transportation Safety Committee- Malvin Wells
- Planning Director’s Report- Steven Sandy

MEETING ADJOURNED:

UPCOMING MEETINGS:

- | | |
|----------------|---|
| April 21, 2010 | Tentative- Planning Regular Meeting (7:00 pm) |
| April 28, 2010 | Regional Planning Commission Training Event, NRV PDC (6:00-9:00 pm)
(Please RSVP to Brea by April 16,2010 in order to attend) |
| May 12, 2010 | Planning Regular Meeting (7:00 pm) |
| May 19, 2010 | Planning Commission Site Visit (to be determined)
Planning Regular Meeting (7:00 pm) |

MEMORANDUM

TO: Planning Commission

FROM: Planning Staff

DATE: March 30, 2010

RE: **Staff Analysis (SU-2010-07608)**

A request by **Kelly L. Burdette and John A. Barr Jr.** for a special use permit on 57.139 acres in an Agricultural (A-1) zoning district to allow a commercial kennel and allow two (2) accessory structures in excess of 1,200 sq. ft. in area and 18 ft. in height. The property is located on the north side of Craig Creek Road (Rt. 621), approximately 0.80 miles east of the intersection with Pandapas Pond Rd. (US 460), and is identified as Tax Parcel No. 015-A-1 (Acct # 002518) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

I. Nature of Request

Kelly L. Burdette and John A. Barr Jr. are requesting a special use permit to allow a commercial kennel and two (2) accessory structures in excess of 1,200 sq. ft in area and 18 ft. in height in an Agricultural (A-1) zoning district.

II. Location

The property is located on the north side of Craig Creek Road (Rt. 621), approximately 0.80 miles east of the intersection with Pandapas Pond Rd. (US 460), and is identified as Tax Parcel No. 015-A-1 (Acct # 002518) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Resource Stewardship on the Policy Map of the 2025 Comprehensive Plan.

The parcel is bordered on the north, east, and west by a Conservation zoning district (Jefferson National Forest), to and to the south by an Agricultural (A-1) zoning district (see attached zoning map). All adjoining property owners were notified in compliance with the Code of Virginia and Section 10-52(3) of the Montgomery County Code.

III. Impacts

Kennel:

Section 10-61 of the Montgomery County Code defines commercial kennel as: "An establishment for keeping, training, breeding, handling, selling, treating, or boarding dogs, cats, or other household pets as a business. Does not include establishments in which the sole function is grooming." Per section 10-22(4) (i) a commercial kennel is permitted by special use permit in the Agricultural (A-1) zoning district.

The applicant states there will be no kennel activities, other than breeding and selling of dogs, on the property and there are no plans for future expansion of services. Approximately 25 to 30 dogs will be kept on the premises within the proposed kennel structures and fenced area. All animals are owned by the property owners. Most puppies are sold over the internet and are shipped to other locations. The only traffic will be two or three prospective buyers approximately every six to eight weeks. VDOT has indicated that due to the limited traffic and nature of the business a commercial entrance will not be required.

The site is surrounded on three (3) sides by the Jefferson National Forest and the shooting range is located approximately 0.75 miles to the west of the proposed kennel site. The nearest residential dwelling is 0.5 miles to the east. Given the remote location and the existence of the shooting range, the kennel should not create additional noise concerns.

The property is currently vacant with dense tree coverage, even after the recent timbering. The applicants have expressed a desire to retain as many existing trees as possible during the construction of a 5,174 square ft. two-story dwelling and two (2) accessory structures. They have also indicated their intent to plant more trees after construction is completed.

Accessory Structures:

The two (2) proposed accessory structures will be used in relation to the kennel operation and to store personal vehicles and equipment.

The proposed location of the accessory buildings meets the additional regulations contained within Section 10-22(7)(b) for kennels within the Agricultural (A-1) zoning district. In relation to kennels the ordinance specifically states "No principal or accessory use or structure shall be within five hundred (500) feet of an existing dwelling, other than the owner's dwelling, nor within three hundred (300) feet of any adjacent lot." The proposed structures will be located more than 500 feet from all property lines, and given the existing tree cover they should not be visible from adjoining properties (see enclosed site plan).

In general, special use permits for accessory structures over 1200 square feet in area and/or 18 feet in height are acted upon by the Board of Zoning Appeals (BZA); however, based on Section 10-21(4)(i)(a) the Board of Supervisors may grant a SUP for accessory structures when submitted as part of another rezoning or special use permit request. Since the applicant is requesting a special use permit for a kennel, the requests will be acted upon simultaneously.

IV. Comprehensive Plan

The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan. The designation of Resource Stewardship Areas delineates rural areas with "high resource value based on soil types, environmental sensitivity, or other unique land characteristics. These areas also include land that is preserved from future development through public or private conservation efforts."

The land use policies governing Resource Stewardship (PLU 1.2.1, page 35) are as follows:

- a. The preferred land uses for Resource Stewardship Areas include agriculture, forest uses, outdoor recreational uses; other natural resources based uses and accessory uses directly related to the support of the preferred land uses.
- b. Low density residential development will be permitted, but not encouraged, as a secondary use in Resource Stewardship Areas.
- c. Private and public conservation efforts and farmland retention programs, such as agricultural and forestall districts, should be focused in Resource Stewardship Areas.
- d. Non-residential uses, except those incidental to and supportive of agriculture, forest, outdoor recreational or other preferred land uses, will be discouraged in Resource Stewardship Areas.
- e. Rezoning to allow higher intensity in Resource Stewardship Areas will be discouraged.
- f. The County may permit new non-agriculturally related institutional uses by special use permit provided the use is comparable in scale and intensity with agricultural and rural uses, poses no threat to public health, safety, welfare, and if the use helps preserve farmland, open space or historic, scenic or natural resources.

V. Analysis

The applicants are requesting a special use permit in the Agricultural (A-1) zoning district for the purpose of obtaining approval to allow breeding of dogs. Dr. Burdette and Mr. Barr currently have a kennel license to breed their personal dogs and sell puppies to individual buyers from their dwelling located within Laurel Ridge Subdivision. Since this use was established prior to the adoption of the 1999 ordinance it is considered nonconforming and permitted to continue at their present location. It is the intent of the owners to relocate their breeding operation to the property they have purchased on Craig Creek Road.

Dr. Burdette is a licensed vet and the owner of Town and Country Veterinary Clinic located within the Town of Christiansburg. Currently the dogs are transported to the clinic for the following:

- All puppies are born at the clinic.
- The dogs receive all grooming and routine care at the veterinary clinic.
- Puppies are taken to the clinic to be transferred to their new owners.

There are no proposed changes to the standard operations of the kennel if relocated to Craig Creek Road. The only kennel activity that would take place on the residential property is the breeding and selling of the puppies. The majority of puppies are sold via the internet and transported to locations outside the New River Valley. The applicants have stated that occasionally prospective buyers would come to the property to view or pick up available puppies; however, visits to the property would be infrequent.

In addition to a request for a commercial kennel, Dr. Burdette and Mr. Barr are requesting a special use permit for two (2) accessory structures in excess of 1,200 square feet. The accessory structure that will contain the majority of kennel operations is approximately 1,680 square feet in area. The second accessory building is approximately 2,520 square feet and will be used primarily for storage of a recreational vehicle and personal equipment; however, a portion of the building will also be used for dog housing. Based on preliminary calculation by staff, both structures appear to be less than 18 feet in height as defined by the Montgomery County Zoning Ordinance. As of the date of this report, verification of those calculations has not been received. The proposed accessory structures are designed to be architecturally consistent with the surrounding area and will appear as barn structures with cupolas (see enclosed building plans and photographs). Siding and colors will be chosen to match the proposed dwelling. According to the application materials provided, the applicant intends begin construction of the buildings and dwelling concurrently. Since the buildings are pre-manufactured they will be completed prior to the dwelling. There are plans to fence one (1) to two (2) acres around and between the proposed structures.

The special use permit requests for a kennel and two (2) accessory structures exceeding twelve hundred (1,200) square feet in area are being handled as one request since the owners have indicated that if all requests are not approved they plan to abandon all proposed construction on this site.

Staff Recommendations

Staff preliminarily recommends approval of this request as submitted by Kelly L. Burdette and John A. Barr Jr. for a special use permit to allow a commercial kennel and two accessory structures in excess of 1200 square feet and 18 feet height in an Agricultural zoning district with the following conditions:

1. Kennel operations shall be limited to the breeding, raising, and selling of dogs and/or puppies owned by the property owner.
2. A yearly kennel license for no more than 50 dogs shall be obtained as required by Montgomery County Code.
3. The proposed accessory structures shall not exceed 1,680 square feet and 2,520 square feet in area. Neither structure shall exceed 18 ft. in height as defined by the Montgomery County Zoning Ordinance.
4. Accessory structures shall be used for personal and kennel use only. Retail sales and/or other commercial activities shall not be permitted.
5. The structures shall not be used as a dwelling, accessory or otherwise without obtaining the proper permits and approvals from the Zoning Administrator, Health Department, and Building Official.

At the time this report was issued, the Planning and GIS Services office had not been contacted regarding this request by any adjoining property owners. However, 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
 Tax and Zoning Map
 Application Materials



John A. Barr, Jr
Request For
Special Use Permit

- Legend**
- Corporate Line
 - State Roads
 - Interstate Highway
 - Private Roads (Named)
 - Planned Highway
 - Railroad
 - Hydrology
 - Tax Parcels
 - Subject Property (Barr)

Parcel ID: 002518



Disclaimer:
 THE INFORMATION SHOWN HEREON IS FOR INFORMATIONAL PURPOSES ONLY. THE MISSOURI DEPARTMENT OF TRANSPORTATION AND THE MISSOURI DEPARTMENT OF CONSERVATION DO NOT WARRANT THE ACCURACY OF THE INFORMATION SHOWN HEREON. THE MISSOURI DEPARTMENT OF TRANSPORTATION AND THE MISSOURI DEPARTMENT OF CONSERVATION DO NOT WARRANT THE ACCURACY OF THE INFORMATION SHOWN HEREON. THE MISSOURI DEPARTMENT OF TRANSPORTATION AND THE MISSOURI DEPARTMENT OF CONSERVATION DO NOT WARRANT THE ACCURACY OF THE INFORMATION SHOWN HEREON. THE MISSOURI DEPARTMENT OF TRANSPORTATION AND THE MISSOURI DEPARTMENT OF CONSERVATION DO NOT WARRANT THE ACCURACY OF THE INFORMATION SHOWN HEREON.

Prepared by: Missouri County, VA
 Planning & GIS Services, 3/20/2013





Application to Planning Commission and Board of Supervisors

Application For: (check appropriate boxes)
 Rezoning Rezoning & Special Use Permit Special Use Permit

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

Property Owner: Kelly Bordette Agent: _____
John A. Barr Jr. Address: _____
 Address: 3212 Laurel Drive Address: _____
Blacksburg, VA 24060 _____
 Phone 1: 540-382-5042 (w) Phone 1: _____
 Phone 2: 540-552-4160 (H) Phone 2: _____
 Email: JohnBarr6@aol.com DrKellyB@aol.com Email: _____

Location of Property/ Site Address: TBD Craig Creek Rd.

Legal Record of Property: Total Area: 57.139 Acres Magisterial District Mount Tabor
 Parcel ID: 002518 Tax Parcel Number(s): 015(A)1

Rezoning Details: Current Zoning District: _____ Requested Zoning District: _____
 Desired Use(s): _____

Special Use Permit: Current Zoning District A1 Total Area/Acres: 57.139
 Desired Use(s): 2 accessory structures greater than 1200 sq ft. and a Kennel for privately owned dogs.

Comprehensive Plan Designation: Resource Stewardship

Traffic Impact Analysis Required: Yes (payment enclosed) No

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

Kelly Bordette 2/28/10 _____
 _____ _____
 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: _____

Request for Special Use Permit

2 Accessory Structures over 1200 sq. ft. each and a Kennel for Privately Owned Dogs

Introduction :

This special use permit is requested by John Barr and Dr. Kelly Burdette. Myself, John Barr moved here from Maryland in 2003. My wife Dr. Kelly Burdette moved here from Maryland in 1988 to attend school. We currently reside at 3212 Laurel Drive in Blacksburg along with our five daughters who attend Kipps Elementary and Blacksburg Middle School. Dr. Kelly Burdette graduated from Virginia Tech. She is currently a veterinarian and the owner of Town and Country Veterinary Clinic in Christiansburg. She opened the clinic in 1992 and it has grown well over the years.

As well as attending school and owning her own practice, she also has raised dogs in Montgomery County for over 20 years. We raise, along with our children, two types of dogs, Cockapoos and Goldendoodles. They both are wonderful non-shedding family dogs that we place in homes through our two websites. Our puppies can be found all over the country and we have even placed a few in other countries as well. We have an excellent long standing reputation of over 20 years. We own, on average, 25-30 adult dogs and we have been a licensed hobby breeder with Montgomery County for over 20 years. We have been at our current location, our home in Blacksburg, for almost 11 years. We are very responsible with the dogs and have never had a complaint of any kind in 20 years.

Ourselves and our five daughters are quickly outgrowing our house. In our efforts to find a new home while maintaining the current school district, we have learned that the ordinances have changed and are much more strict than they were when Dr Burdette purchased our current home. It is our understanding that the dogs that we own, if moved, would have to comply to the same requirements as a commercial kennel. After much research and negotiations we have purchased property that would allow us to build a new home and meet our requirements.

Request for Special Use Permit

Concept Development Plan:

Requested by John Barr and Dr. Kelly Burdette for property identified as parcel 002518, tax map 15 (A) 1 consisting of 57.139 acres on Craig Creek Rd., Blacksburg. This property is zoned A1 and is listed as a Resource Stewardship Area. Currently there are no existing structures. The property has 1630 ft. of road frontage and the other three sides of the property are entirely bordered by the Jefferson National Forest. It is located on the left (north) side of Craig Creek Rd. approximately .5 miles east of the National Forest Shooting Range.

The plan for this property would be to construct a new farm like residence with a home, two accessory barn type structures, and move along with our current personally owned dogs to this location. The intent would be to start construction immediately upon approval and acquiring permits.

We will construct a 5,174 sq. ft two story home. It will be constructed by Nancy Phillips of Legacy Builders in Blacksburg. The exterior materials will consist of a mix of siding, brick, and stone. The home will have standard outside lighting near the entrance doors and garage.

The first accessory structure will be a 42'x60'x14' tall RV and equipment storage building with an attached 36'x30'x9' tall open wing that would house dogs. The building will be built by Daryll Byrd of Morton Buildings in Roanoke. The exterior materials will consist of colored metal roofing and siding along with a stone wainscoting that matches the home. It will also have two rooftop cupolas. The building will have an outside light near the entrance door.

The second accessory structure will be a 30'x56'x10' tall building. The front 30'x20' of the building will be used for storage of dog related materials and the back 30'x36' will be an open building for housing dogs. The building will also be built by Daryll Byrd of Morton Buildings in Roanoke. The exterior materials will consist of metal roofing and siding along with a stone wainscoting that matches the home and other building. It will also have two rooftop cupolas as well. The building will have an outside light near the entrance door.

The intent for this property would be to create a beautiful new farm like setting that would fit well into the natural setting. The home and buildings will be built centered in the property on a natural ridge approximately 550 ft from the road. It will have a single or U shaped driveway that will be paved. The property is wooded, and although it has been previously timbered, all efforts will be made to preserve as many existing trees as possible. We also intend to plant more trees after construction is completed. There are no existing water features on this property. Approximately 1-2 acres are intended to be fenced around and between the 2 buildings.

The plan would be to have the buildings built at the same time the house is started, during excavation and foundation work. The buildings will only take approximately 2-4 weeks to complete and the house will take approximately 10-12 months. All final grading and landscape work can then be done upon the homes completion. We will have a suitable septic system to serve the planned home installed and a well drilled to serve all water needs.

Comprehensive Plan Justification:

This property is listed as Resource Stewardship and our plans for this property are in line with this land use. This will be a rural residential farm like home that preserves almost all of this large parcel of land. Approximately 50 acres of the 57 acre parcel will be untouched, therefore preserving the natural look and features. Having animals on the property is also supportive of an agricultural type use as preferred by this land use description. All intentions and preferences for Resource Stewardship seem to be a perfect match for our intentions with this property. Although the property by rights can be divided into 6 parcels we would prefer to maintain it as one large parcel by incorporating these special uses and feel that these uses would best embrace the land use.

It is our understanding that one special use permit is acceptable for this project. It is also our understanding that upon moving our dogs that we would have to comply with the same requirements as a commercial kennel. Although we meet and exceed all required setbacks, we would like to make it clear that we are not asking for, nor do not want, a commercial kennel. All dogs that will be moved to this property are personally owned and currently reside and have resided for over

20 years in Montgomery County. We have never in the past and have no intentions in the future of ever boarding or having any other dogs, other than our own, on our property. We also have no intentions of ever increasing the number of dogs that we currently own.

This request is for three listed special use permit requirements. Two accessory structures exceeding 1200 sq. ft. and a Kennel for privately owned dogs. These requests have been combined together because they are one project that would only be built if all parts are approved. The home will also only be built if this special use is approved.

Special Use Permit Request #3 of 3 - Kennel for Privately Owned Dogs

Additional Special Use Permit Requirements

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

Section 10-54(3)(g), Montgomery County Zoning Ordinance

(g) Issues for Consideration. In considering a Special Use Permit application, the following factors shall be given reasonable consideration. The application shall address all the following in its statement of justification or Special Use Permit plat unless not applicable, in addition to any other standards imposed by this Ordinance:

1. Whether the proposed Special Use Permit is consistent with the Comprehensive Plan (Addressed under "3. Comprehensive Plan Justification"). **Yes, as previously discussed this special use would be consistent. Resource Stewardship is supportive of agricultural uses which includes the raising of animals. Also, by incorporating this use, it will allow 80-90% of the 57 acres to remain natural. The two accessory structures will have the look of barns which will give this project a farm look which would be consistent with the preferences for this land use.**
2. Whether the proposed Special Use Permit will adequately provide for safety from fire hazards and have effective measures of fire control. **Yes all applicable measures will be provided for.**
3. The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area. **The level of noise from this use, our dogs, will be minimal and far less than a commercial kennel. Our dogs on our property are at home and therefore far more contented than your average boarding dog. In addition, our adult dogs have had a bark softening procedure performed that reduces the pitch and volume of the bark. There will be no impact from any noise produced by this special use. Any noise from our dogs that will be housed will be kept to a minimum as proven by our 20 years of previous ownership of the dogs on far smaller tracts of land with not one complaint for noise or any other disturbance. Also any noise would be far less than the neighboring shooting range.**
4. The glare or light that may be generated by the proposed use in relation to uses in the immediate area. **There will be no additional light produced other than normal from a new home. There are no other nearby light sources.**
5. The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance. **There are no plans for any signs.**
6. The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels. **This use seems very compatible as the area is rather remote. There are no literal bordering neighbors at this time and the nearest existing structure would be approximately 1/4 to 1/2 of a mile away and the shooting range being 1/2 mile away. Three sides of the property are bordered by the Jefferson National Forest.**
7. The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood. **The main building will be 42 ft wide by 60 ft long and be 14 ft tall. This part of the building will have walls, (2) 12 ft wide by 13 ft tall garage doors (to accommodate an RV), 2 walk-in doors and 4 windows. This building will have a gray metal roof, ivory metal sides and white trim and doors. There will be two rooftop cupolas on the building. It will also have a 3 ft tall stone wainscoting along the bottom that will coordinate with the home. It will have a gravel floor with the intent of concrete in the future. The attached open wing will run perpendicular from the side of the larger building. This will not have walls, will be 36 ft wide, 30 ft long and 9 ft tall. It will have a gray metal roof, ivory metal siding on the end of the roof and white trim and white wrapped poles. This will also have gravel and this part would house dogs. This structure is intended to be placed approximately 40-50 ft from the home and approximately 30 ft from building #2. The second building will be 30 ft wide by 56 ft long and be 10 ft tall. The first 30 ft by 20 ft long part of this building will have walls, (2) walk in doors and six windows. The rear 30 ft wide by 36 ft long section will be open with poles instead of walls. This building will have a gray metal roof, ivory**

metal sides and white trim, doors and pole wraps. It will also have a 3 ft tall stone wainscoting along the bottom that will coordinate with the home. It will have a gravel floor with the intent of concrete in the future. The building will have two roof top cupolas and match the accessory structure #1. An approximate 1-2 acres is intended to be fenced between and extending from the area between the 2 accessory structures. This area would be for the dogs to play and run. This structure is intended to be placed approximately 70-80 ft from the home and approximately 30 ft from building #1. There are no other neighboring buildings or structures other than electrical service towers.

8. The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood. **The site is primarily wooded with some small clearings as a result of previous timbering. As many trees as possible will be preserved and numerous new trees will be planted after construction is complete. All existing and to be added tree cover will maintain a natural screen visually and audibly**
9. The timing and phasing of the proposed development and the duration of the proposed use. **The intent would be to start construction as soon as possible, to be completed in 3 months for this structure and 12 months for the home and entire project completion and to occupy this location for 20-30 years.**
10. Whether the proposed Special Use Permit will result in the preservation or destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance. **Minimal trees will be removed for construction and the ground will be graded in an area @ 10 ft larger than the buildings dimensions or footprint. There will be no other known disturbance other than tree removal known. As many trees will be preserved on the @ 50 acres that are not going to be disturbed.**
11. Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public. **This special use will not affect public welfare or convenience.**
12. The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety and efficient traffic movement. **There will be no additional traffic or impacts to the public than the normal construction of a new home.**
13. Whether, in the case of existing structures proposed to be converted to uses requiring a Special Use Permit, the structures meet all code requirements of Montgomery County. **There are no existing structures.**
14. Whether the proposed Special Use Permit will be served adequately by essential public facilities and services. **This use will not be served by any known public facilities.**
15. The effect of the proposed Special Use Permit on groundwater supply. **There will be no effect on groundwater supply.**
16. The effect of the proposed Special Use Permit on the structural capacity of the soils. **All effected soils have been conceptually evaluated and will be evaluated further prior to construction.**
17. Whether the proposed use will facilitate orderly and safe road development and transportation. **No, this use would not effect road development positively or negatively.**

18. The effect of the proposed Special Use Permit on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality. **There will be no known effects other than previously mentioned. Tree removal.**
19. Whether the proposed Special Use Permit use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan. **This use would not increase employment as there are none on site. This use does benefit employees of Town and Country Veterinary Clinic as all routine care and grooming is handled by them.**
Whether the proposed Special Use Permit considers the needs of agriculture, industry, and businesses in future growth. **This special use would not address any future needs or growth.**
20. The effect of the proposed Special Use Permit use in enhancing affordable shelter opportunities for residents of the County. **There would be no effect for affordable shelter.**
21. The location, character, and size of any outdoor storage. **All storage is intended to be inside the two structures.**
22. The proposed use of open space. **The property is wooded and all other space other than the construction area is intended to be left naturally as wooded land.**
23. The location of any major floodplain and steep slopes. **The property is not floodplain and although there are slopes I would not consider them steep. The very rear of the property starts to get steep and the Jefferson National Forest property directly behind the property continues to get steeper up the mountain to the rear.**
24. The location and use of any existing non-conforming uses and structures. **None Known.**
25. The location and type of any fuel and fuel storage. **None**
26. The location and use of any anticipated accessory uses and structures. **This special use would be incorporated into two new structures that are as described previously. For the location, please see the conceptual survey work attached. Some of the dogs would be housed in an open 30 ft by 36 ft wide wing attached to a larger storage building #1. See question #7 for details of building. The remaining dogs will be housed in an enclosed section 20 ft by 30 ft and an open section 30 ft by 36 ft of building #2. Also see question #7 for details of building #2.**
27. The area of each use; if appropriate. **Please see question 7 as it lists the dimensions.**
28. The proposed days/hours of operation. **There are no hours of operation.**
29. The location and screening of parking and loading spaces and/or areas. **There are no public parking spaces or loading zones.**
30. The location and nature of any proposed security features and provisions. **There are no proposed security features.**
31. The number of employees. **None.**
32. The location of any existing and/or proposed adequate on and off-site infrastructure. **None**
33. Any anticipated odors, which may be generated by the uses on site. **There are no anticipated odors. All of the animal waste produced by the dogs is removed 2-3 times daily, placed in sealed waste receptacles and transported to the landfill weekly. Also proven by the fact of never having a complaint in 20 years for odor or any other issue.**
34. Whether the proposed Special Use Permit uses have sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas. **There will be no effect from construction as there are no nearby neighbors or schools.**

Additional Information :

In an effort to address any additional questions or issues we would also like to add more information. Both of these accessory structures will be built by Morton Buildings. Morton Buildings are by far the best built, best looking, pole barn type buildings made. The buildings and home will have a coordinated matching mix of materials that will produce a beautiful looking farm appearance. The accessory structures will look like barns with rooftop cupolas, weather vanes and lower stone wainscoting. This project will have a very positive effect on the surrounding area and properties.

The dogs will be housed in these structures with runs by Mason Company. Mason Kennels make the finest runs available. Our intent will be to have the floors of the runs at least partially heated with radiant in floor heat and to also have the ability to enclose our dogs during inclement weather. Although our dogs are housed at our home, almost all business aspects are handled at, and by the clinic, Town and Country Veterinary Clinic. The dogs get all their routine care and grooming at the clinic. All finances are processed through the clinic and positively add to the employment and support of the clinic. All our puppies are born at the clinic. There are no employees at our home and all of the dogs care and maintenance at home is provided by us. Approximately 25-30% of our puppies are shipped out of Roanoke all over the country. The majority, approximately 50-60% of our puppies are purchased from people in the DC/Metro area and are picked up at Dr. Burdette's mother's commercial boarding kennel in Maryland. We make routine trips to Maryland for this purpose. The remaining puppies are picked up at either the clinic or our home. We make every effort to keep our home life private. The number of people who come to our home for the purpose of the puppies is minimal.

We have been raising dogs for over 20 years and are experienced, responsible and have never had a complaint. We have an excellent reputation for breeding family dogs with wonderful temperaments. Our daughters help and benefit from caring for and socializing our puppies and dogs. All of our parent dogs get the best of care and are spayed or neutered and retired at 5-6 years of age. We typically have wait lists to adopt our retired dogs. We currently live on a little more than 8.5 acres with a shared driveway and have one neighbor within 350 ft. without any problems of any kind. We have lived at this home with our dogs for almost 11 years.

We would like to build a new home and move with our current dogs to a suitable location. We are not, and have no intents of, expanding our current number of dogs. The property that we have purchased seems to be more than suitable for our needs and exceeds the current ordinances. We will almost double the required setbacks for a kennel. All structures will be close to 600 ft from the property lines and close to 900 ft. in some areas. There are no existing dwellings within 1/4 of a mile. The Jefferson National Forest, over 13,000 acres, surrounds the property on 3 sides and the shooting range is a half mile away.

We will be happy to provide any information or answer any questions that we may have overlooked. Thank you.

Clinic : TCVCCares.com

Cockapoos : puffnstuffcockapoos.com

Goldendoodles : laurelridgegoldendoodles.com

Buildings : MortonBuildings.com

All applicable references that apply from the county code/ordinances :

(1) Purpose. The A-1 Agricultural District is intended to preserve and enhance the rural, low density character and natural resources of the rural portions of the county where agriculture, forest and open space uses predominate, as well as to accommodate limited amounts of low density residential development that is generally not served by public water or wastewater systems.

This district is generally intended to apply to lands designated in the comprehensive plan as rural or resource stewardship areas. Land in this district is generally not intended to be served with public water or wastewater or to be in proximity to other public services.

(2) Qualifying lands. Lands qualifying for inclusion in the A-1 zoning district shall be those within the current A-1 district on the date of adoption of this chapter and other lands within areas mapped as rural or resource stewardship in the comprehensive plan. Qualifying lands shall generally not include those served or planned to be served by public water or sewer service. The minimum area required to create a district shall be ten (10) acres of total contiguous land.

(3) Uses permitted by right. The following uses are permitted by right, subject to compliance with all approved plans and permits, development and performance standards contained in this chapter, and all other applicable regulations:

- (a) Agriculture.**
- (b) Agriculture, intensive.**
- (c) Agriculture, small scale.**

(4)(i) Uses permissible by special use permit. The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.

(w) Kennel, commercial (refer to use limitations in subsection 7).

b) Kennels. No principal or accessory use or structure shall be within five hundred (500) feet of an existing dwelling, other than the owner's dwelling, nor within three hundred (300) feet of any adjacent lot.



REFERENCES: Montgomery County Tax Map 15 (A) 1; Parcel I.D. #002518; title: John A. Barr & Kelly L. Burdette - Instr. #2009009897.
 NOTES:

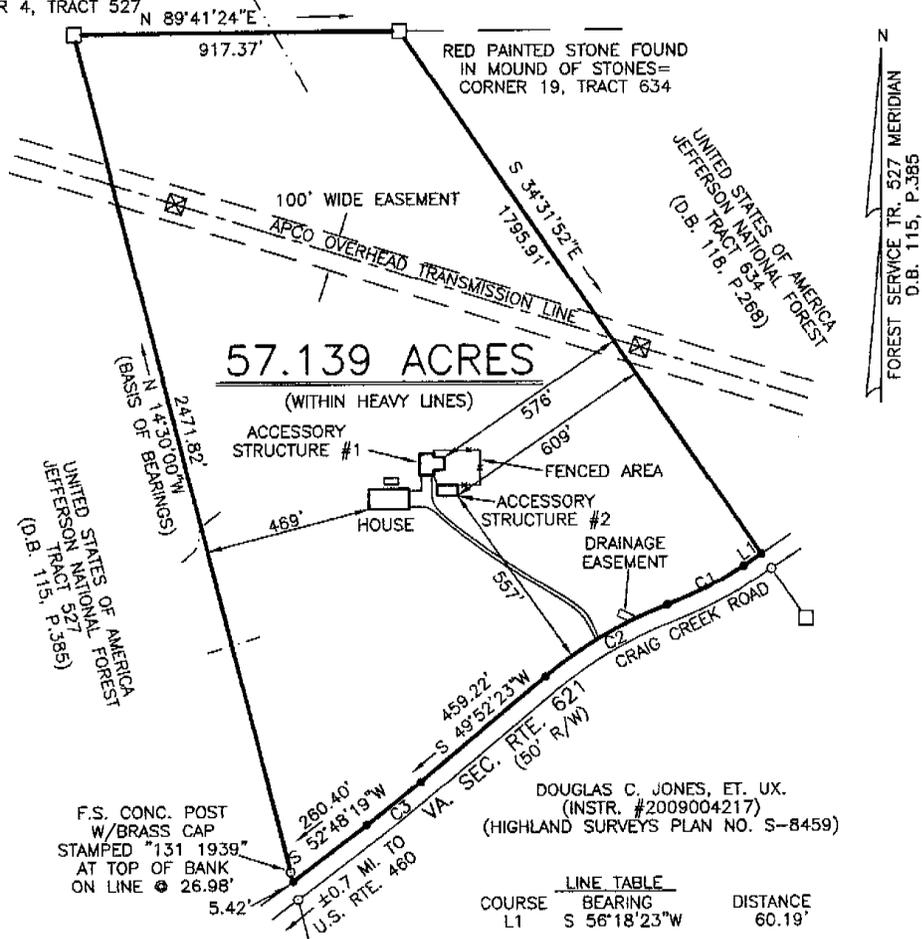
- The boundary lines shown hereon are the result of an actual field survey performed Sept. 2009 recorded in Instrument #2009009897.
- According to FEMA F.I.R.M. Panel No. 51121C0040C, the subject property lies within Zone X, areas outside of any special flood hazard area.
- Property address: 490 Craig Creek Rd., Blacksburg, VA 24060
- Subject property is zoned A-1.

LEGEND

- IRON ROD FND. UNLESS NOTED
- IRON ROD SET SEPT. 2009
- FOREST SERVICE STONE FOUND
- ⊠ ELECTRIC TOWER
- OVERHEAD WIRES
- - - CREEK OR HOLLOW
- TRACT LINE
- - - GRAVEL OR SOIL ROAD
- - - EASEMENT LINE

UNITED STATES OF AMERICA
 JEFFERSON NATIONAL FOREST
 TRACT 527
 (D.B. 115, P.385)

RED PAINTED STONE FOUND
 IN MOUND OF STONES=
 CORNER 4, TRACT 527



F.S. CONC. POST
 W/BRASS CAP
 STAMPED "131 1939"
 AT TOP OF BANK
 ON LINE ± 26.98'

DOUGLAS C. JONES, ET. UX.
 (INSTR. #2009004217)
 (HIGHLAND SURVEYS PLAN NO. S-8459)

LINE TABLE

COURSE	BEARING	DISTANCE
L1	S 56°18'23"W	60.19'

CURVE TABLE

CURVE	RADIUS	TANGENT	LENGTH	DELTA	CHORD	CH.BEARING
C1	1060.00'	121.24'	241.44'	13°03'01"	240.91'	S 62°49'53"W
C2	1170.92'	201.02'	398.17'	19°29'00"	396.25'	S 59°36'53"W
C3	3794.72'	97.16'	194.28'	2°56'00"	194.25'	S 51°20'23"W

SKETCH SHOWING
 PROPOSED HOUSE & KENNEL
 PREPARED FOR

0' 100' 200' 400'



**JOHN A. BARR &
 KELLY L. BURDETTE**

BERCKMAN LAND SURVEYING, INC.
 390 A BLUEGRASS TRAIL
 NEWPORT, VIRGINIA 24128
 (540) 544-7904

CRAIG CREEK AREA
 MOUNT TABOR MAGISTERIAL DISTRICT
 MONTGOMERY COUNTY, VIRGINIA

DATE: 24 FEB. 2010 SCALE: 1"=400'

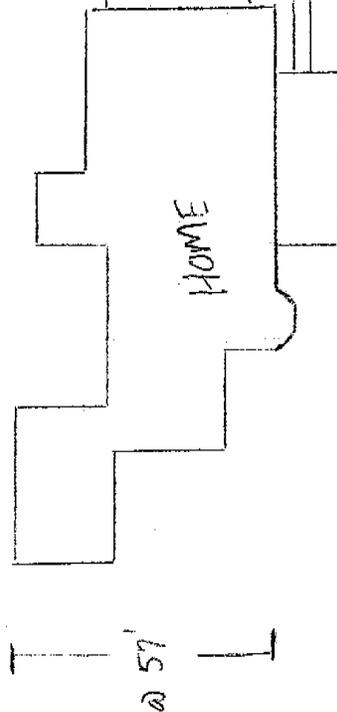
JOB NO. 09093

#1

Conceptual Layout

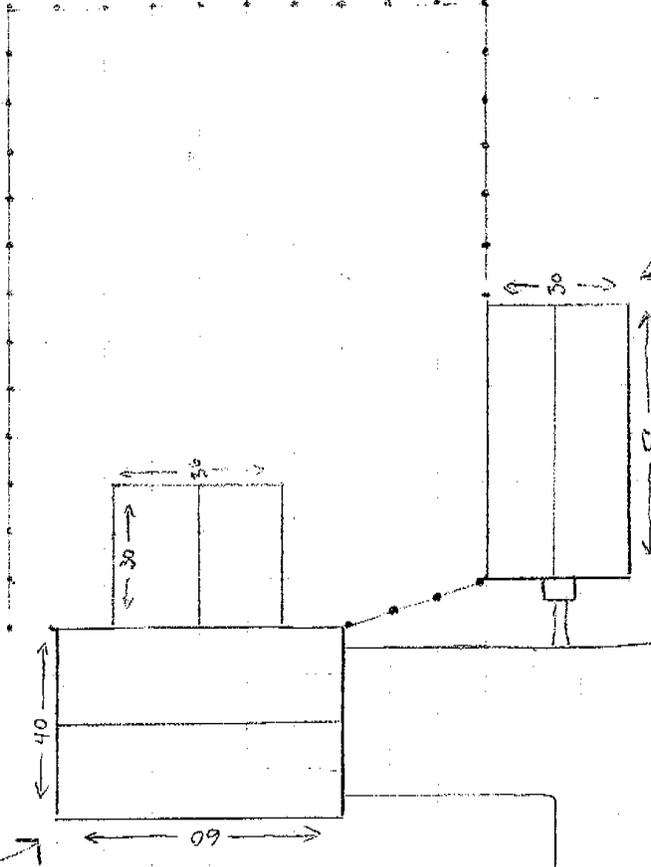
10' x 10'

1 square

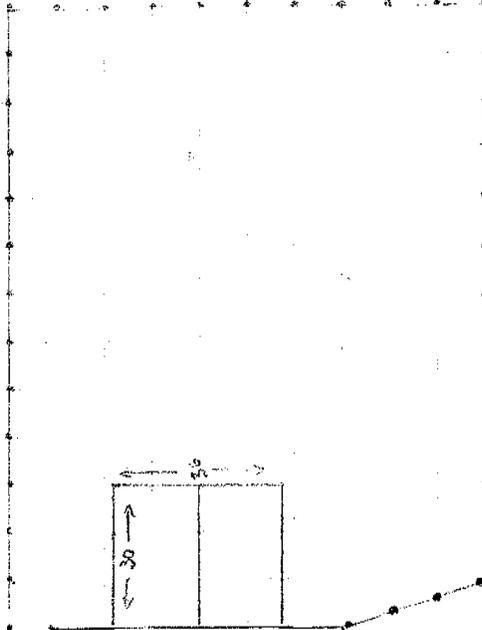


Accessory Structure #1

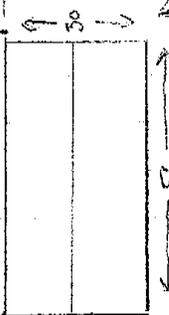
Accessory Structure #1



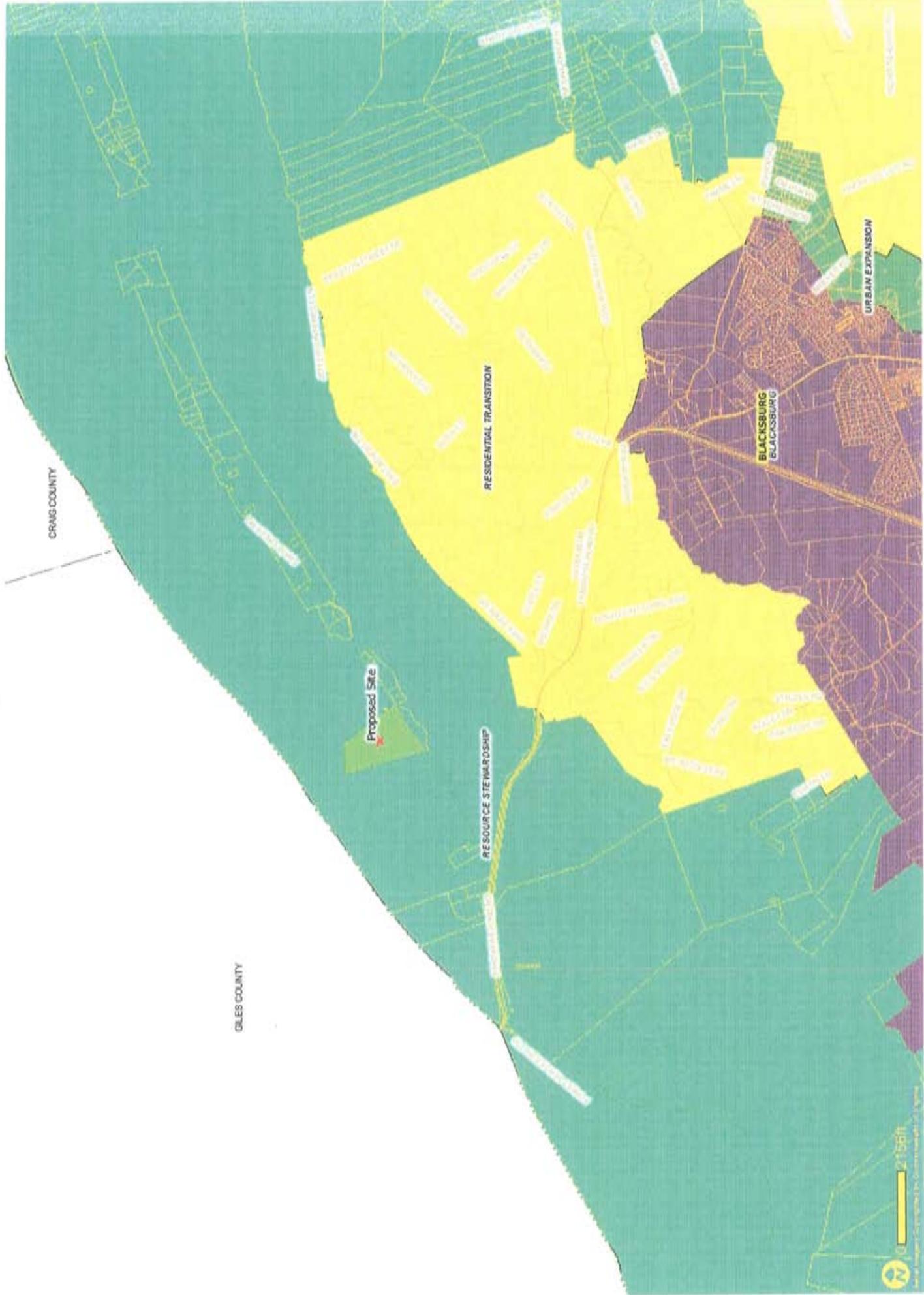
Proposed Fenced Area



Accessory Structure #2



10' x 10'



CRANG COUNTY

GILES COUNTY

Proposed Site

RESOURCE STEWARDSHIP

RESIDENTIAL TRANSITION

BLACKSBURG
BLACKSBURG

URBAN EXPANSION

0 2100ft



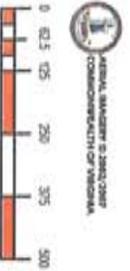
Map by Tomlinson Associates, Inc. Copyright 2011



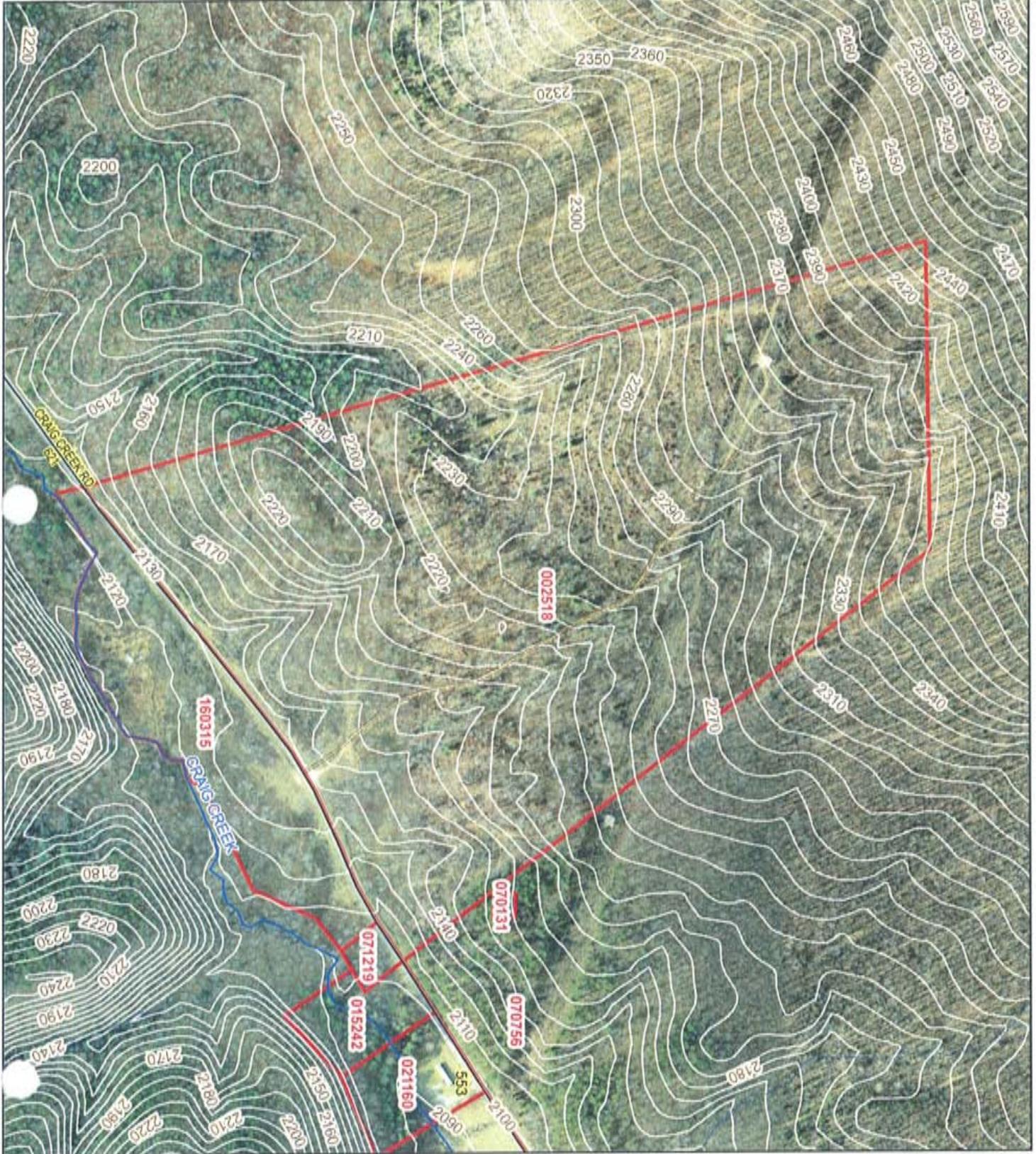
- Legend**
- Corporate Boundary
 - Rural Community
 - State Route
 - Interstate
 - Federal Highway
 - Private
 - Burg Route
 - County Route
 - Railroads
 - Virginia Expressway Airport
 - Unimproved State Public Trunk
 - Major River Stream
 - Stream Course
 - Boundary of Pt. Contour
 - East-Ten-Day Line
 - Tax Parcels
 - Municipal Limits
 - Hazardous

**Montgomery County, Virginia
DISCLAIMER**

THE INFORMATION CONTAINED HEREIN IS TO BE USED FOR GENERAL PURPOSES ONLY AND NOT FOR ENGINEERING OR SURVEYING PURPOSES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, EASEMENTS, RIGHTS-OF-WAY, AND OTHER LEGAL INTERESTS PRIOR TO CONSTRUCTION. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, EASEMENTS, RIGHTS-OF-WAY, AND OTHER LEGAL INTERESTS PRIOR TO CONSTRUCTION. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, EASEMENTS, RIGHTS-OF-WAY, AND OTHER LEGAL INTERESTS PRIOR TO CONSTRUCTION.

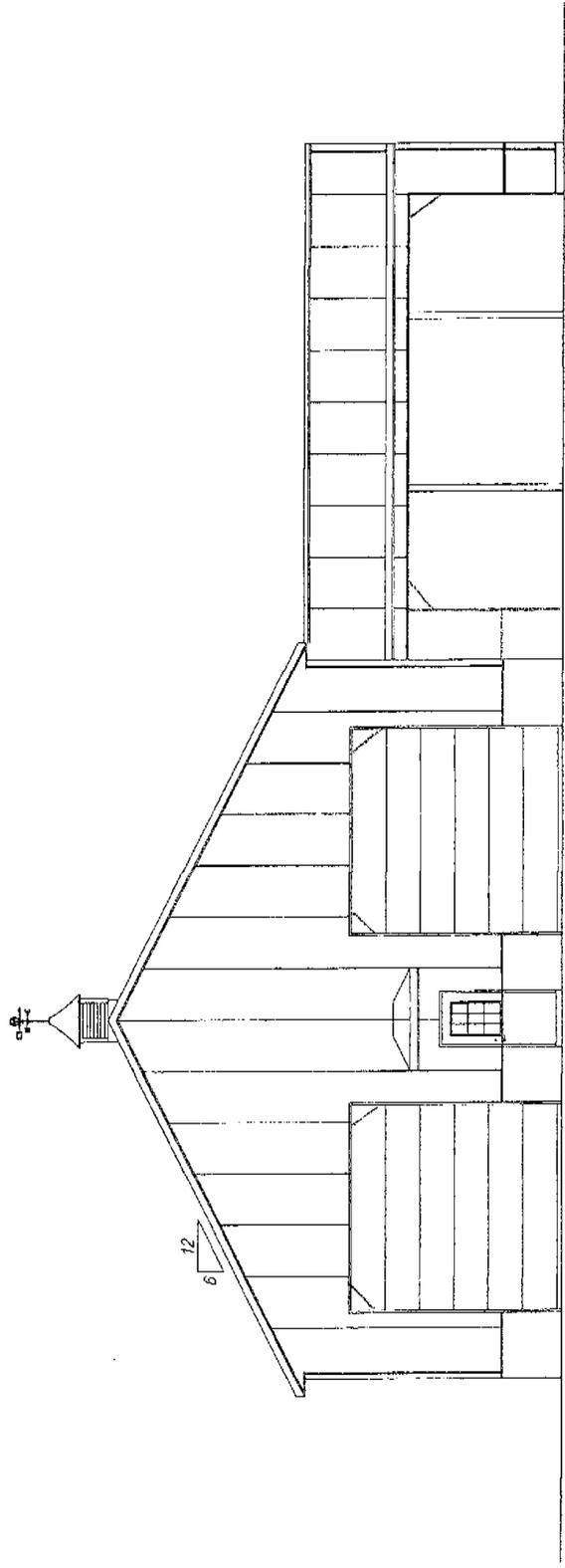


Prepared by: **McGehee Planning & GIS**
Date: **05/20/2024**

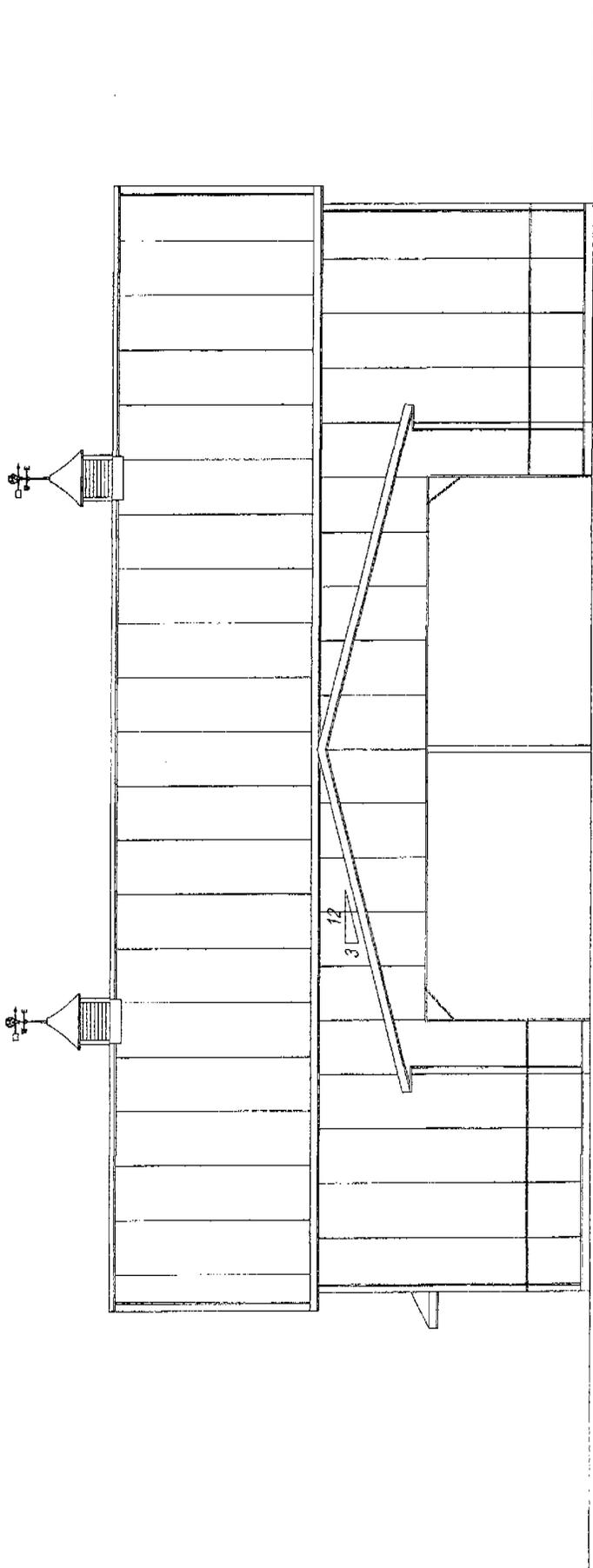


Special use Permit # 1 of 3

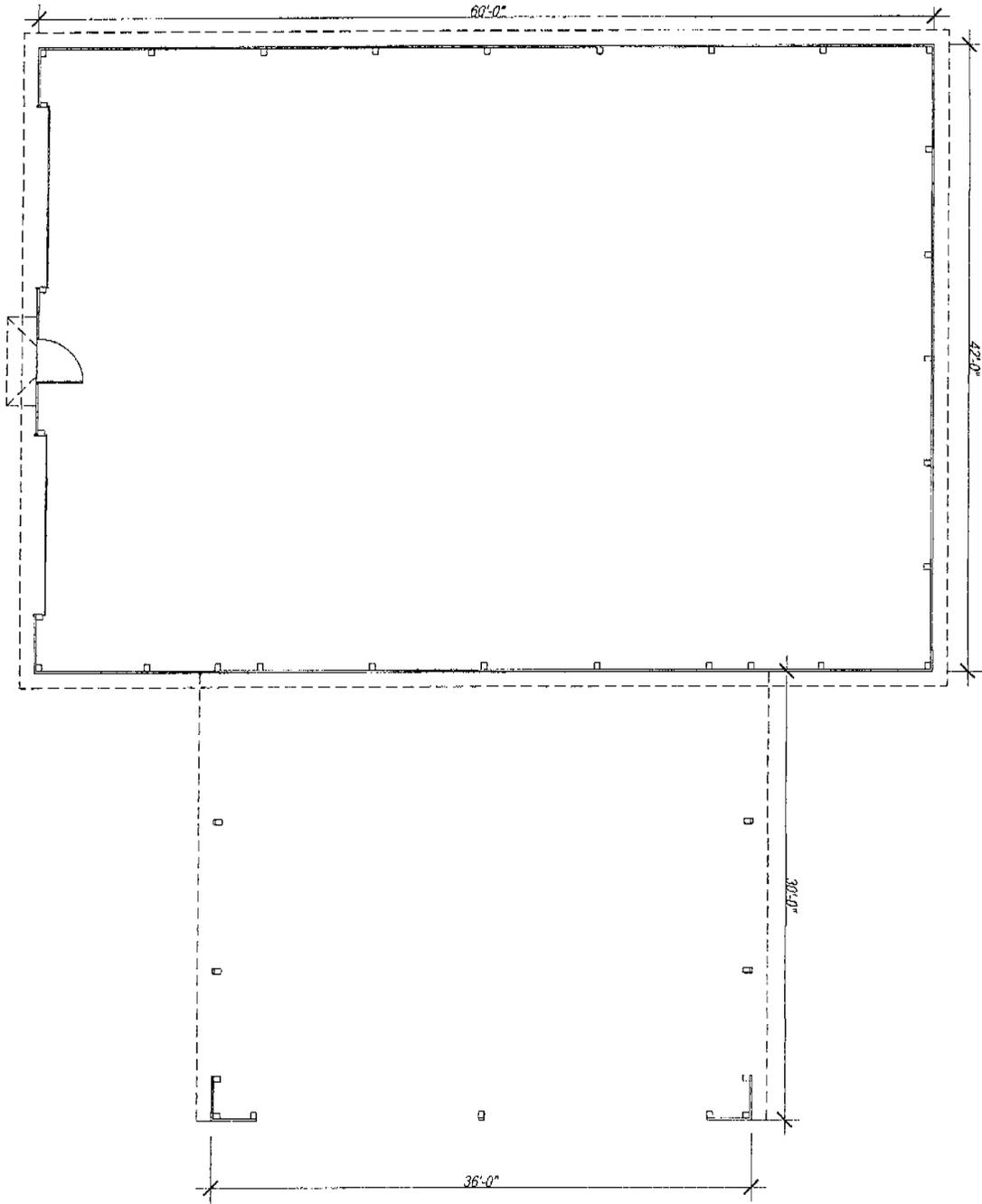
Accessory Structure # 1



Accessory structure #1



Accessory Structure #1



Special Use Permit # 2 of 3

Accessory Structure # 2

OFFICE

ADD NO.



MORTON BUILDINGS, INC.

MORTON BUILDINGS, INC. P O BOX 399 MORTON, IL 61550-0399 309-242-2774

DRAWN BY	
DATE	
CHECKED BY	
DATE	
REVISION DATE	
REVISION DATE	
REVISION DATE	

**NOT
CREATED**

TINNET INC

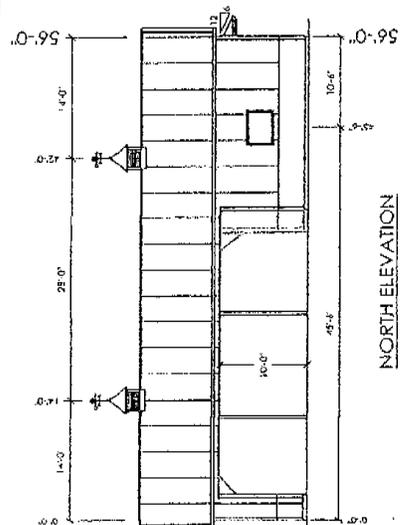
SCALE AS NOTED

SHEET NO.

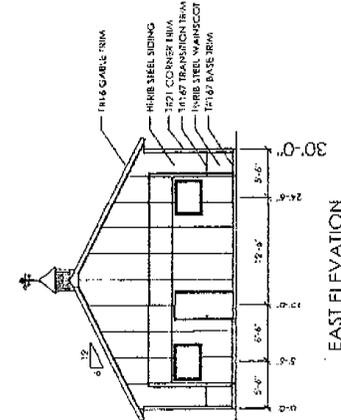
S4 of S8

DESIGN AND EXPLANATORY NOTES

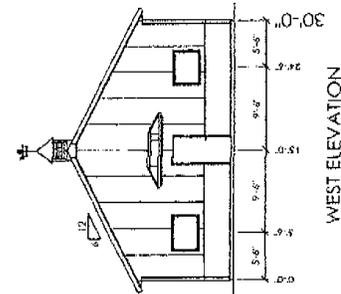
1) EXTERIOR DOOR AND WINDOW LOCATIONS ARE TAKEN FROM THE EXTERIOR FACE OF THE WALLS AND ARE TO THE CENTER OF THE DOOR AND WINDOW UNITS. VERIFY ALL DOOR, WINDOW, SILLIGHT AND SIGHTLIGHT LOCATIONS WITH THE OWNER.



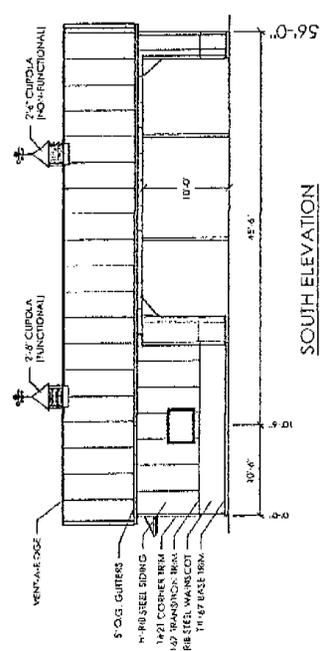
NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

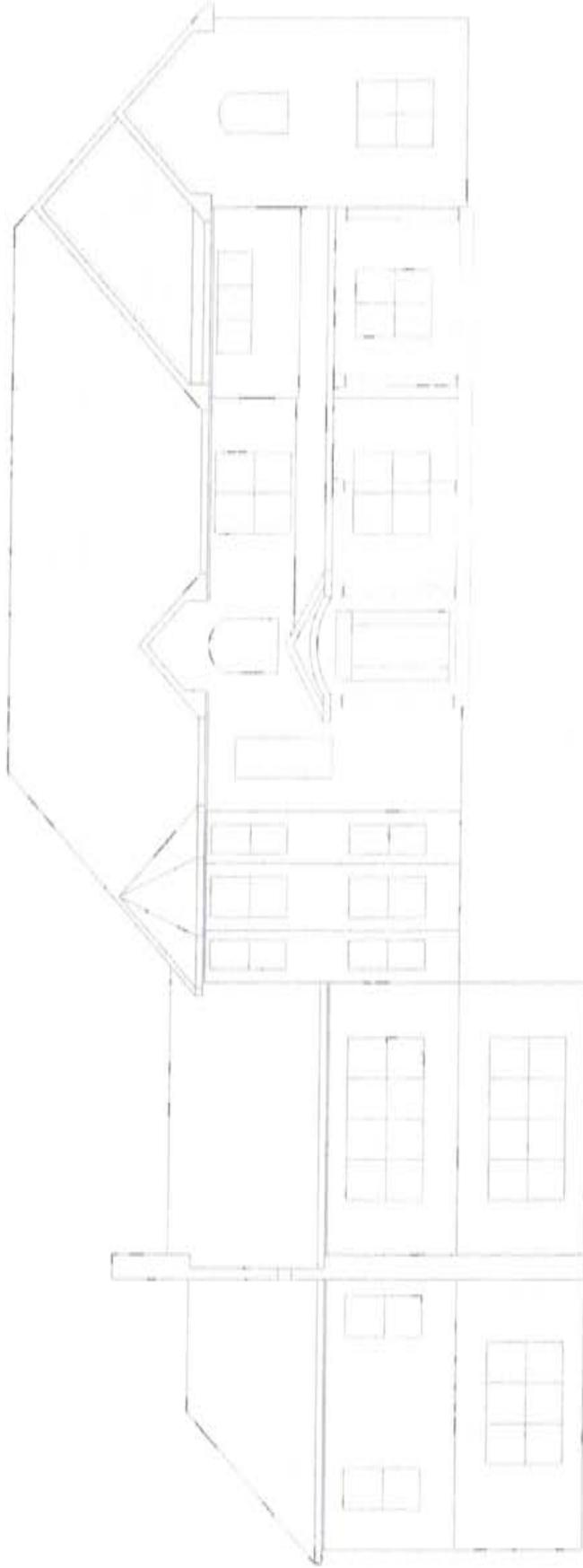


SOUTH ELEVATION



Example of a similar type building built by Morton Buildings

This building incorporates the same colors that our two
buildings will have including the stonework



Legacy Builders, Inc.

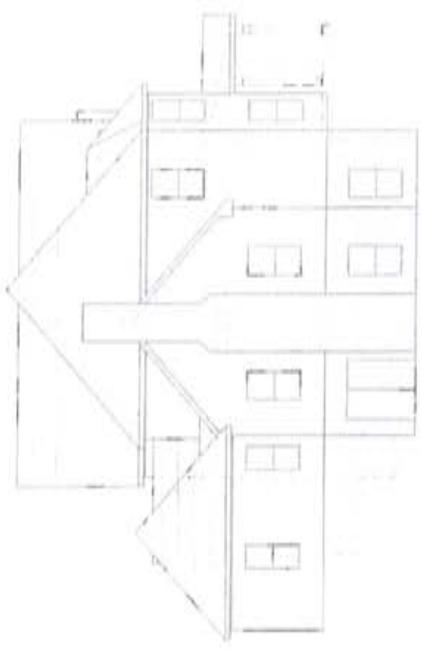
Project: Craig Creek Rd. Pos.

Scale: unspecified

Date Printed:

04 Feb 2010

Initials:



Legacy Builders INC. www.legacybuilders.com

Project: **Craig Creek Rd Res.**

Scale: **unspecified**

Date Printed: **04 Feb 2010**

Initials:

Burgett Res. II
1st Flr
1st Level 2707
Flooring, 1st Lvl 2407
Garage 2407
Proposed Construction
STATE 2500



Legacy Builders INCORPORATED NRV, Inc.

Project: Craig Creek Rd Res.

Scale: unspecified

Date Printed:

04 Feb 2010

Initials:

Blueprint Rev. L5
20' x 77'
Plotted and Laid Out
3/6/09 245
Printed and Laid Out
2/24/10



Legacy Builders Inc.
www.legacybuilders.com

Project:
Craig Creek Rd Res.

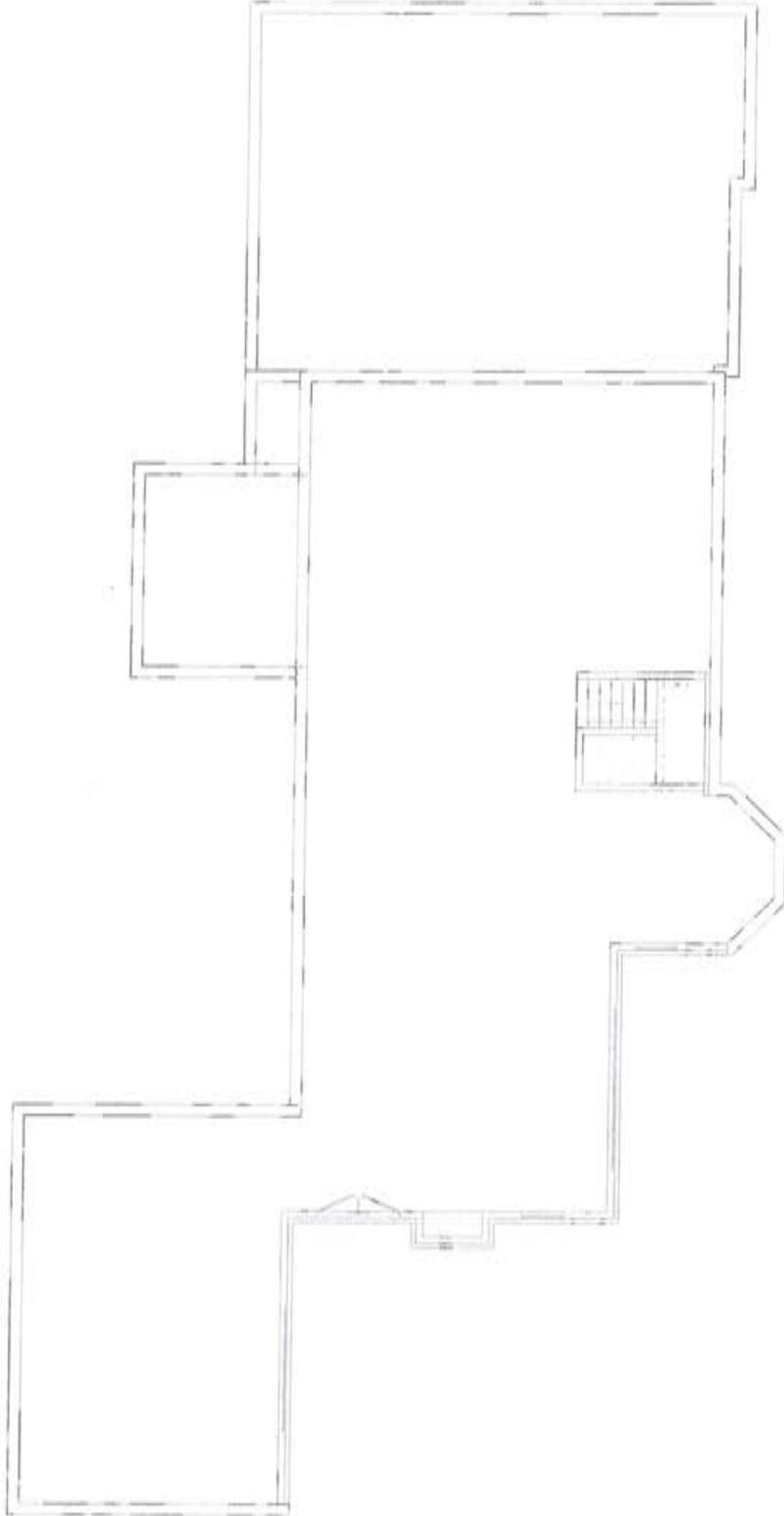
Scale:
unspecified

Date
Printed:

04 Feb 2010

Initials:

Printed: 08.12.10
04.12.10
Floor and LW 2010
Gauge: 649
Process: unfrashed
EOM: 2500



Legacy Builders NRM, Inc.
a subsidiary of Legacy

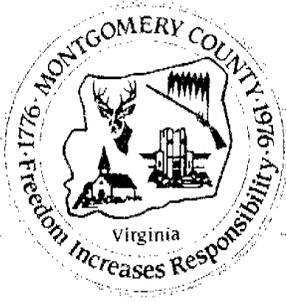
Project: Craig Creek Rd Res.

Scale: unspecified

Date Printed:

04 Feb 2010

Invited:



MONTGOMERY COUNTY PLANNING & GIS SERVICES

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

MEMORANDUM

TO: Planning Commission

FROM: Planning Staff *SMS/JRM*

DATE: April 6, 2010

RE: **Staff Analysis (RZ-2010-07611)**

A request by **RWW36, LLC** (Agent: Balzer and Associates, Inc.) to amend a concept plan and proffer statement previously approved on September 14, 2009 (ORD-FY-10-13) for 6.0184 acres zoned General Business (GB). The property is located at the southeast corner of Meadow Creek Rd. (Rt. 658) and Tyler Road (Rt. 600) intersection; identified as Tax Parcel No. 104-4-47 (Account No. 002244) the Riner Magisterial District (District D). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan and is further identified as Planned Commercial in the Route 177 Corridor Plan.

AND

Requests by **Judson H. Young Life Estate (C/O Wagner H. Young), Edwin Mark, Kathleen L. Stewart, and Harmon W. Young** (Agent: Balzer and Associates, Inc.) to rezone approximately 3.547 acres from Agricultural (A-1) to General Business (GB), and approximately 2.5 acres from Residential (R-3) to General Business (G-B), with possible proffered conditions, to allow commercial and office uses. The properties are located at the southwest corner of the intersection of Meadow Creek Road (Rt. 658) and Barn Road (Rt. 627); identified as Tax Parcel No(s). 104-A-27A, 104-4-40, 104-4-41, 104-4-42, and a portion of 104-A-88, (Account No(s) 008938, 021673, 021674, 021675, 021672) in the Riner Magisterial District (District D). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan and is further identified as Planned Commercial in the Route 177 Corridor Plan

I. Nature of Request

A request by RWW36, LLC (Agent: Balzer and Associates) to amend a concept plan and proffer statement previously approved on September 14, 2009 (ORD-FY-10-13) for 6.0184 acres zoned General Business (GB). In addition, a request has been made by Judson H. Young Life Estate (C/O Wagner H. Young), Edwin Mark, Kathleen L. Stewart, and Harmon W. Young (Agent: Balzer and Associates, Inc.) to rezone approximately 3.547 acres from Agricultural (A-

1) to General Business (GB), and approximately 2.5 acres from Residential (R-3) to General Business (G-B), with possible proffered conditions, to allow commercial and office uses.

II. Location

The subject property for which RWW36 LLC is seeking to amend the concept plan and proffer statement for is located on the southeast corner of the intersection of Tyler Road (Rt. 600) and Meadow Creek Road (Rt. 658), identified as Tax Parcel No. 104-4-47 (Acct No. 02244), in the Riner Magisterial District.

The properties applying for rezoning with this application are located at the southwest corner of the intersection of Meadow Creek Road (Rt. 658) and Barn Road (Rt. 627); are identified as Tax Parcel No(s). 104-A-27A, 104-4-40, 104-4-41, 104-4-42, and a portion of 104-A-88, (Account No(s) 008938, 021673, 021674, 021675, 021672) in the Riner Magisterial District (District D).

III. Impacts

The impacts associated with rezoning the property identified as Tax Parcel No(s). 104-A-27A, 104-4-40, 104-4-41, 104-4-42, and a portion of 104-A-88, (Account No(s) 008938, 021673, 021674, 021675, 021672) are discussed below. A portion of parcel 008938 is zoned Residential (R-3) and the remainder of the parcel is zoned Agriculture (A-1). All other subject parcels are currently zoned Agriculture (A-1).

The grouping of parcels proposed for rezoning have General Business (G-B) to the west, Planned Unit Development Commercial (PUD-COM) to the east. The area to the north across Interstate 81 is zoned predominantly Agriculture (A-1) with a small portion of Residential (R-2). A Zoning Map is attached. The applicants are proposing to rezone 6.047 acres from Agriculture (A-1) and 2.5 acres Residential (R-3) to General Business (GB). The uses proposed for the parcels applying for rezoning are medical office, retail, office, hotel, and restaurant. The amended proffered site plan dated March 1, 2010 contains the following uses for the entire 12.4 acres of property:

1. Limited Service Restaurant (4,600 SF)-Lot 1
2. Full Service Restaurant (4,700 SF)-Lot 2
3. Commercial Lodging (86 rooms)-Lot 3
4. Gas with General Retail (4,000 SF)-Lot 4
5. General Retail (14,400 SF)-Lot 5
6. General Office (14,400 SF)-Lot 5
7. Full Service Restaurant (4,000 SF)-Lot 6
8. Medical Office (4,000 SF)-Lot 7
9. Medical Office (4,000 SF)-Lot 8

The proposed amendment to the previously approved concept plan dated July 1, 2009, is that in lieu of expanding and upgrading Barn Road, existing Meadow Creek Road will be realigned and upgraded to better serve the proposed uses. The proposed proffered conditions associated with this request have been amended to reflect the changes in the concept development plan.

TRANSPORTATION

The uses proposed for this site generate enough vehicle trips per hour to trigger a review under the Virginia Department of Transportation (VDOT) Chapter 527 Regulation. The applicant has prepared a Traffic Impact Analysis (TIA) for the County and the County submitted the TIA for VDOT's review and comments March 3, 2010. At the time this report was issued no comments had been received from VDOT. VDOT's comments should be received and included in the public record of this request.

Two access points to the property are proposed with this project. One entrance is proposed to be constructed at the crossover intersection of Meadow Creek Road and Tyler Road and would be a full-access intersection where the realigned Meadow Creek Rd. would tie in. A secondary entrance onto Tyler Road is proposed as a right-in/right-out at the southern portion of the property. This entrance received a variance from the Board of Zoning Appeals to be allowed along the corridor since it was not identified in the Rt. 177 Corridor Plan.

Traffic Impact Analysis (TIA)

The applicant submitted a TIA prepared by Balzer & Associates dated February 26, 2010 titled, "Tyler Road Area, Revised Total Future Analysis with All Developments, Montgomery County, Virginia". A copy of the Executive Summary is attached. As a result of pre-scoping meetings with VDOT and County staff, the applicant selected nine (9) intersections to include in the study area for the TIA:

1. Tyler Road (Rt. 600)/Lovely Mount Drive (Rt. 664)
2. Tyler Road (Rt. 600)/Mud Pike (Rt. 666)
3. Tyler Road (Rt. 600)/I-81 Southbound Ramps
4. Tyler Road (Rt. 600)/I-81 Northbound Ramps
5. Tyler Road (Rt. 600)/Meadow Creek Rd. (Rt. 658)
6. Tyler Road (Rt. 600)/Woody Right In/Right Out Entrance
7. Tyler Road (Rt. 600)/Barn Road (Rt. 627)
8. Tyler Road (Rt. 600)/Lamb Circle
9. Barn Road (Rt. 627)/Lamb Circle

For the purposes of the study, it was assumed that construction would begin by 2012; therefore, a 2018 (start plus six years) scenario was studied in accordance with Chapter 527 Regulations. The conclusions of the study are as follows:

1. All of the existing and background conclusions from the initial traffic study are still valid with this update.
2. The following roadway improvements are committed by the Woody Property project:
 - a. Realignment of Meadow Creek Road through the Woody Property project.
 - b. Construction of turn lanes at the site entrance as warranted.
3. With the changes to the Woody Property Rezoning, it is estimated that the project would add 588 new AM peak hour trips, 713 new PM peak hour trips, and 7,752 new daily new trips to the local roadway network.
4. In 2018, with the development of Woody Property Rezoning only (no Tyler Road project, Emerald Investors, Inc. project, or roundabout), each of the subject intersections would operate at acceptable levels of service with the exception of the westbound left-right approach to the Tyler Road/Meadow Creek Road intersection.

Construction of a separate left turn lane with 100 feet of storage would be required to alleviate the queues at this intersection.

INFRASTRUCTURE

Currently the subject parcel does have public water and sewer service adjoining the property on Barn Rd. Bob Fronk, Montgomery County PSA Director, has issued a letter dated December 29, 2009, which indicates how services can be provided. Mr. Fronk's letter is attached.

Since the Woody rezoning was approved in September 2009, Montgomery County, the PSA, and the city of Radford have agreed to an additional allocation of sewer capacity for this area of 150,000 gallons per day.

Water Service

Public water service may be provided by a minimum 12-inch water main extension of approximately 250 feet from the end of the 8" water main near 2827 Barn Road to the subject property. If adequate flow and/or pressure are not available from the above extension, a water main loop from the 8" water main near 2827 Barn Road to the 8" water main in front of 4279 Bains Chapel Road approximately 5,000 feet to the west of the subject property may be required to comply with PSA regulations.

Sewer Service

Public sewer can be provided by a public sewer main extension to a point adjacent to all lots from terminal sewer manhole BT-D-30 near 2827 Barn Road. Currently the available remaining sewer system capacity (November 2009) is 80,000 gallons per day (gpd). This sewer main discharges into a public sanitary sewer pump station approximately 1,000 feet to the east of the terminal manhole mentioned above. In its current configuration this pump station has additional capacity for an average daily flow of 40,000 gpd. The applicant is estimating a demand of 44,380 gpd. The PSA letter indicates two options to increase capacity, one is to upgrade the existing sewer pump station and a second is to connect to the VDOT rest area west of the subject property. The PSA letter also advises that there are several proposed project in this area with total projected sewer demands in excess of the currently remaining sewer system capacity. The current PSA policy is that sewer capacity is only reserved by payment of the facility fee after PSA approval of site plans.

Electric Utility Easement

The site contains a 100 foot Appalachian Power (AEP) easement that bisects the property. The site plan illustrates that parking and landscape islands will be located within the easement area. The stormwater management area is also proposed to be within the easement area. The applicant indicates that AEP is satisfied with their plan and the uses proposed within their easement. A letter from AEP dated July 29, 2009 addressing development within their easement is attached. Staff has requested that the applicant obtain a new letter from AEP based on new concept plan.

SCHOOLS

The applicant is proposing no impact to the school system since this is a commercial development.

IV. Rt. 177 Corridor Plan

The Corridor agreement calls for joint review of land use proposals. The City of Radford Planning Commission was asked to comment on this proposal. The City of Radford submitted a letter concerning the proposed project on March 23, 2010. The City's Planning Commission is in agreement that the development meets the goals outlined in the Rt. 177 Corridor Agreement. The letter from the City of Radford is attached.

V. Comprehensive Plan

The parcels are located within an area designated as *Urban Expansion* on the future policy map of the Comprehensive Plan and Planned Commercial in the Route 177 Corridor Plan.

Urban Expansion

The Comprehensive Plan defines *Urban Expansion* as the preferred location for new residential and nonresidential development occurring in the unincorporated areas of Montgomery County. These areas will accommodate a full range of residential unit types and densities. These areas are adjacent to Blacksburg, Christiansburg and Radford and are intended to be natural expansion areas for uses occurring within town and city boundaries. Transportation improvements within Urban Expansion Areas will be designed to tie into the existing street network serving the City and the towns. Development in these areas will be compatible and complimentary to development within corporate limits.

Summary

The parcel is proposed to be rezoned to a higher intensity land use from Agriculture (A-1) and Residential (R-3) to General Business (GB). The applicant has prepared a concept plan that takes into account the Comprehensive Plan policy statements.

The proposal is consistent with the Urban Expansion, Planned Commercial, Transportation, and Environmental chapters of the Comprehensive Plan, *Montgomery County 2025*. Further, the plan meets the land use and zoning criteria set forth in the *Rt. 177 Corridor Plan*. As proposed, this development meets the goals and objectives of the future land use for this area and does qualify for consideration of rezoning from Agriculture (A-1) and Residential (R-3) to General Business (GB).

VI. Analysis

The applicants are proposing to rezone an additional 6.047 acres from Agriculture (A-1) and Residential (R-3) to General Business (GB), as well as amend the concept development plan and proffered conditions in accord with the revisions to the plans for road improvements.

The proposed zoning change and concept plan amendment request present a significant change in land use compared to the surrounding community. Given the complexity of this project and its potential impact to surrounding property owners and the larger community, the applicant and staff have worked diligently to identify as many potential issues as possible.

More than likely the most noticeable impact to the community will be changes to the transportation network in and around the project site, with the proposed realignment of Meadow Creek Road and closing of Barn Rd. The entrance located at the cross-over location (roundabout) is illustrated on the Rt. 177 Corridor Future Land Use Map; however, the right-in/right-out entrance is not on the map but has been approved by the Board of Zoning Appeals.

The Rt. 177 Corridor Agreement prescribes water and wastewater capacity that the City of Radford makes available to Montgomery County PSA. Close examination of available capacity for this project is necessary given other existing public service users in the corridor. If the capacity required for this project falls under 80 percent of available capacity the requirements are met. If the project falls within 80 to 90 percent of available capacity a plan must be established for expanding capacity. If the project requires more than 90 percent of the available capacity funds must be in place enable the necessary capacity. Level of Service in the corridor will become more critical due to other land use applications and future hospital development.

Attention should be given to exterior lighting in order to preserve nighttime skies. The subject property is near the edge of an Urban Expansion area and is largely adjacent to Resource Stewardship land uses. Keeping light pollution limited to preserve the rural nature of Resource Stewardship areas is important. Attention will be given toward lighting when site plans are submitted for the other commercial uses on this site.

The additional commercial development requesting General Business zoning should maintain the same proffered conditions that were established with the Woody rezoning approval of 2009 to provide a uniform and consistent development.

V. Staff Recommendations

Staff recommends approval of the the proposed rezoning of 6.047 from Agriculture (A-1) and Residential (R-3) to General Business (GB) and amendment of the previously approved concept plan with the following conditions:

1. Property shall be developed in substantial conformance with the conceptual plan by Balzer and Associates, Inc. dated March 1, 2010.
2. The site shall be served by Montgomery County PSA sanitary sewer and water. The rezoning of the property does not allocate or reserve water and sewer capacity for the proposed development. Site plan approval for the development shall be conditioned upon adequate water and sewer capacity being available. There is a limited amount of water and sewer capacity available for development in the 177 Corridor before infrastructure improvements are needed to increase capacity. The applicant may be responsible for bearing the cost of any necessary utility infrastructure improvements needed by the PSA both on site and off site to accommodate the requested capacity based on the proposed use for the Property.
3. 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.

4. Stormwater management shall be proposed on the adjacent property, TM# 104-A 27A, in accordance with all State and Local stormwater management standards.
5. All entrances onto Tyler Road at the roundabout, entrances to Meadow Creek Road, and the right in/right out as shown on the Master Plan dated March 1, 2010 and submitted to VDOT as part of the Traffic Impact Analysis shall will be designed to Virginia Department of Transportation standards and meet the Montgomery County 177 Corridor Plan.
6. The right in/right out entrance shall be approved and constructed prior to the issuance of a certificate of occupancy for building "4" or "6" as shown on the approved Master Plan.
7. The following uses will be prohibited in the General Business District: apartment as accessory use, building material sales, cemetery, church, civic club, crematorium, custom meat cutting- processing and sales, funeral home, homeless shelter, pet-household, public utility lines-other distribution or collection facility, school, and garden center.
8. The owner will agree to share in the expense of realigning and improving Barn Road in an amount not to exceed the lesser of \$136,500.00 or 50% of the cost of those improvements upon the closing of Meadow Creek Road and the vacation of the associated Meadow Creek Road right of way by the Montgomery County Board of Supervisors.
9. The owner shall coordinate and cooperate with AEP during the development of construction plans consistent with the July 29, 2009, letter from AEP to Balzer & Associates, Inc. in order to provide for the overall safety of future users of the site and to ensure that AEP construction guidelines are effectively met.
10. The following architectural standards of the development will be incorporated into the development to provide compatibility with commercial uses on the 177 Corridor:
 - a. No heating, air conditioning or mechanical equipment shall be placed on the roof of any building unless screened from ground level. Flat roofs shall have a parapet wall tall enough in height to screen any roof mounted mechanical equipment.
 - b. The exposed portions of all exterior wall surfaces of each building on the Property (excluding rooftop screening materials for mechanical equipment) shall be designed and constructed of similar materials. This proffer shall not preclude the use of a design that alternates a combination of permitted materials for architectural effect. Building materials shall consist of brick, stone, split face block, EIFS such as Dryvit or cementitious siding.
 - c. Roofing materials for pitched roofs shall be metal, natural or composite shingle. Buildings with flat roofs shall have a decorative cornice at the top of all walls.
 - d. When a building is adjacent to a public right of way, architectural detail shall be incorporated to create architectural character on the building faces that are visible from that public right of way. Detail includes highlighting foundations, lintels, sills and cornices with contrasting materials and breaking up the mass of the building with bands at floor levels or projections at entries.
 - e. Windows and doors shall have a regular pattern of solids and voids that are consistent throughout individual buildings when visible from a public right of way.

- f. Building elevations shall be included with all site plan submittals.
- g. Prefabricated metal buildings with vertical metal siding shall be prohibited.

At the time this report was issued, the Planning and GIS Services office had not been contacted regarding this request by any adjoining property owners. Adjoining property owners were notified in accordance with Montgomery County Code Section 10-52(3). However, 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
 Application Materials (Proffered Conditions Included)
 Traffic Impact Analysis Executive Summary, dated February 26, 2010
 Letter from City of Radford, dated March 23, 2010
 Letter from Bob Fronk, Montgomery County PSA, dated December 29, 2009



RWW36, LLC
Request for Rezoning
And
Amend Profford
Conditions

Legend

- State Road
- Interstate Highway
- Private Roads (Name)
- Planned Highway
- Railroad
- Hydrology
- Tie Parcel
- Subject Properties (RWW36 LLC)

- Parcel ID(s):** 002244
 008938
 021672
 021673
 021674
 021675

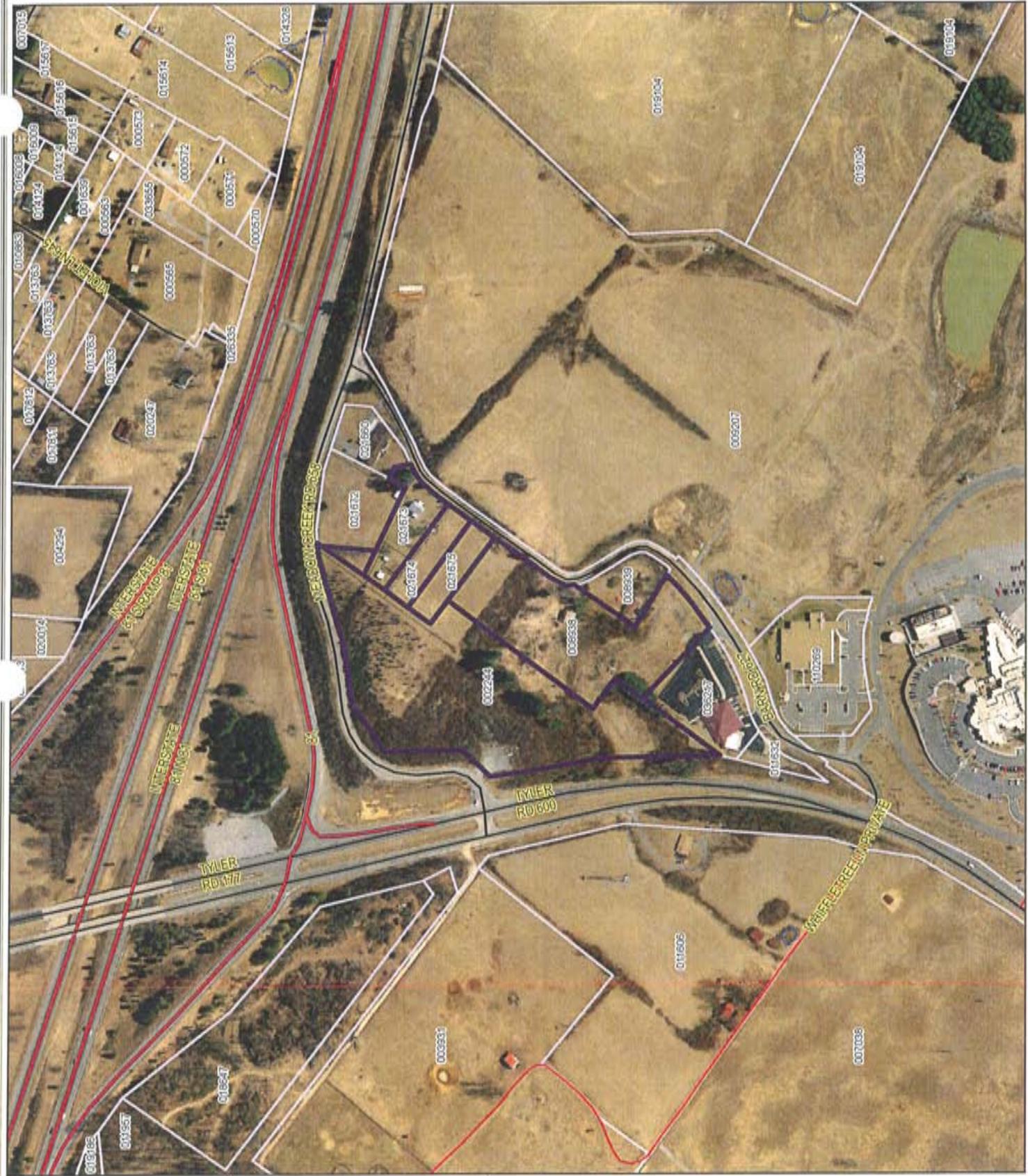


Montgomery County, Virginia
 Planning & Zoning Commission
 10000 Old Dominion Blvd., Suite 200
 Fairfax, VA 22031
 (703) 261-1000
 www.montgomerycountypa.gov

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EXACT LOCATION OF ANY BLOTTED ZONE TO BE IDENTIFIED LOCATED LAND SURVEY, ENGINEER, OR ARCHITECT CONTOUR LINES ARE FOR VISUAL REFERENCE ONLY. THE PLANNING & ZONING COMMISSION DOES NOT ASSUME ANY LIABILITY FOR DAMAGES THAT MAY BE INCURRED BY ANY PARTY IN CONNECTION THEREWITH.

SCALE: 1" = 100'





**RWW36, LLC
Request for Rezoning
And
Amend Profferd
Conditions**

Legend

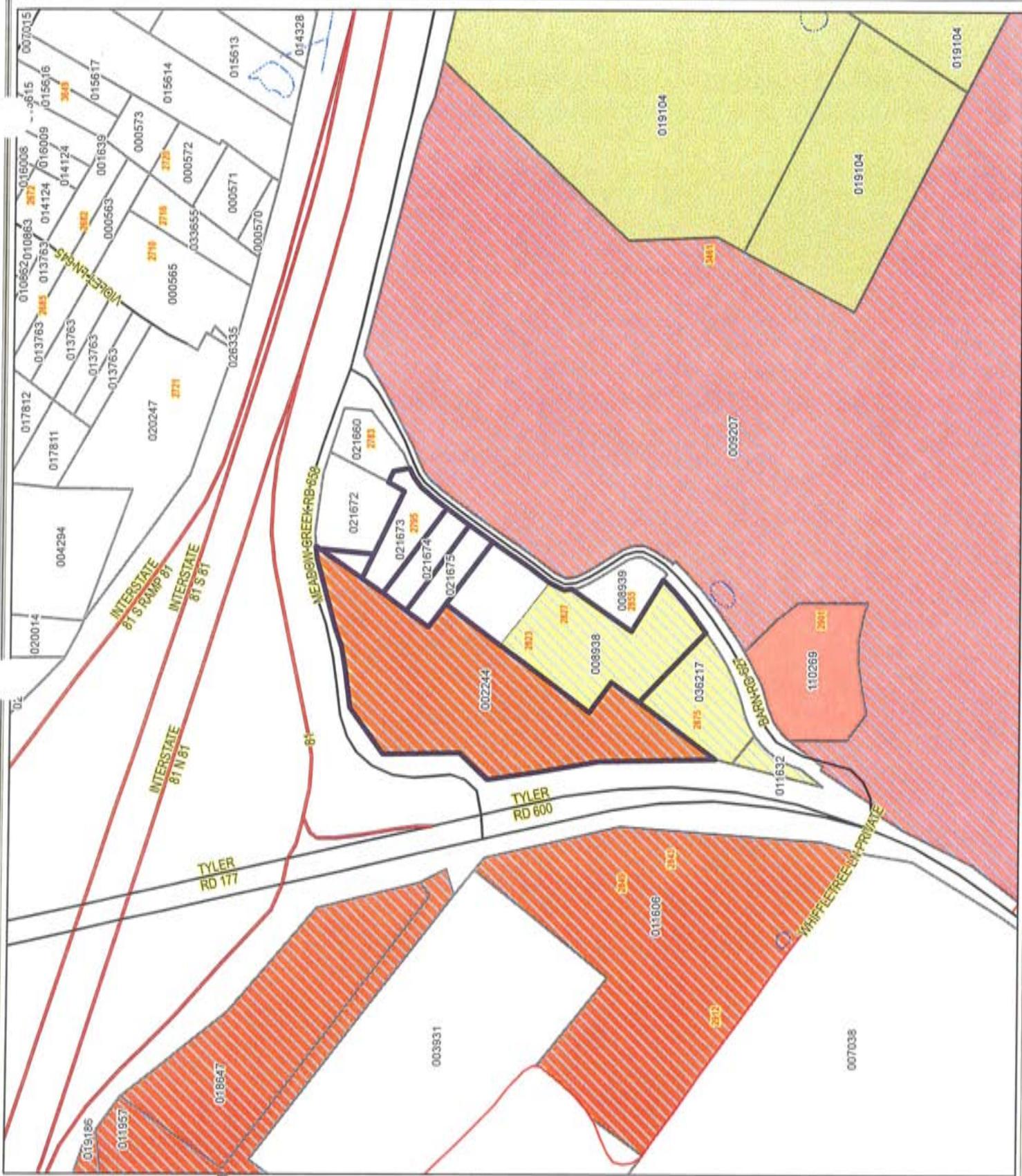
- State Route
- Interstate Highway
- Private Road, Roadway
- Proposed Highway
- Railroad
- Utility
- Gas Pipeline
- Electric Powerline (RWW36)
- County Zoning
- M - Agriculture
- SB - Special Business
- PUD/OCM - Planned Unit Development/Community
- R - Residential
- AFD
- State Park Property

Parcel ID(s): 002244
008938
021672
021673
021674
021675



Montgomery County, Virginia
PLANNING & GIS SERVICES

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**REZONING APPLICATION
FOR**

**RWW 36, LLC - TYLER ROAD
PROPERTY
COMMERCIAL DEVELOPMENT**

TAX PARCELS

**104- 4 47, 104-A 27A, 104-4 40, 104-4 41, 104-4 42,
and a Portion of 104-A 88**

March 1, 2010

PREPARED FOR: RWW 36, LLC
PREPARED BY: BALZER & ASSOCIATES, INC.



Application to Planning Commission and Board of Supervisors

Application For: (check appropriate boxes)
 Rezoning Rezoning & Special Use Permit Special Use Permit

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

Property Owner: <u>RWV 36, LLC</u>	Agent: <u>BALZER ASSOCIATES, INC</u>
Address: <u>144 OAK TREE BLVD</u> <u>CHRISTIANSBURG, VA 24073</u>	Address: <u>448 PEPPER FERRY RD NW</u> <u>CHRISTIANSBURG, VA 24073</u>
Phone 1: <u>540-382-5885</u>	Phone 1: <u>540-381-4290</u>
Phone 2: <u>540-605-6126</u>	Phone 2: <u>540-641-0328</u>
Email: <u>shoars@rsva.net</u>	Email: <u>ssimon@balzer.cc</u>

Location of Property/ Site Address: SE QUADRANT OF TYLER RD + MEADOW CREEK RD - 50129

Legal Record of Property: Total Area: 6.084 Acres Magisterial District FINER
Parcel ID: #002244 Tax Parcel Number(s): 104-447

Rezoning Details: Current Zoning District: GB Requested Zoning District: _____
Desired Use(s): AMEND MASTERPLAN + TRAFFIC STATEMENT OF REZONING APPROVED SEPTEMBER 14, 2009

Special Use Permit: Current Zoning District _____ Total Area/Acres: _____
Desired Use(s): _____

Comprehensive Plan Designation: URBAN EXPANSION

Traffic Impact Analysis Required: Yes (payment enclosed) No

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

[Signature] 2/25/10 Date
Property Owner(s) Signature

[Signature] 3/1/10 Date
Agent's Signature

FOR OFFICE USE ONLY

Date Received: _____ Application Number: _____

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



Application to Planning Commission and Board of Supervisors

Application For: (check appropriate boxes)

[X] Rezoning [] Rezoning & Special Use Permit [] Special Use Permit

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

Property Owner: EDON MARK & KATHLEEN L. Agent: BALZER & ASSOCIATES, INC.
Address: 2875 BARN ROAD STEWART Address: 448 PEPPER FOREST NW
CHRISTIANSBURG, VA 24073 CHRISTIANSBURG, VA 24073
Phone 1: Phone 1: 540-381-4290
Phone 2: Phone 2: 540-641-0328
Email: Email: ssemones@balzer.cc

Location of Property/ Site Address: 2827 BARN ROAD

Legal Record of Property: Total Area: 3.257 Acres Magisterial District RIVER
Parcel ID: #008938 Tax Parcel Number(s): 104-A 27A

Rezoning Details: Current Zoning District: R3 Requested Zoning District: GB
Desired Use(s): OFFICE, MEDICAL OFFICE, RETAIL

Special Use Permit: Current Zoning District Total Area/Acres:
Desired Use(s):

Comprehensive Plan Designation: URBAN EXPANSION

Traffic Impact Analysis Required: [X] Yes (payment enclosed) [] No

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

Property Owner(s) Signature Date
Agent's Signature Date 3/1/10

FOR OFFICE USE ONLY

Date Received: Application Number:

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



Application to Planning Commission and Board of Supervisors

Application For: (check appropriate boxes)

Rezoning Rezoning & Special Use Permit Special Use Permit

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

Property Owner: ^{Judson H Young's Life Estate} 40 H. Wagner Young Agent: BALZER & ASSOCIATES, INC
Address: 2795 BARN ROAD Address: 440 PAPPAS FERRY RD NW
CHRISTIANSBURG, VA 24073 CHRISTIANSBURG, VA 24073
Phone 1: _____ Phone 1: 540-581-4290
Phone 2: _____ Phone 2: 540-641-0328
Email: _____ Email: semores@balzer.cc

Location of Property/ Site Address: 2795 BARN ROAD

Legal Record of Property: Total Area: 2.79 Acres Magisterial District R1002
Parcel ID: #021673 #021675 Tax Parcel Number(s): 104-440 104-442
#021674 #021672 104-441 104-ABB (part of)

Rezoning Details: Current Zoning District: A1 Requested Zoning District: GB
Desired Use(s): HOTEL, RESTAURANT, OFFICE, MEDICAL OFFICE, RETAIL

Special Use Permit: Current Zoning District _____ Total Area/Acres: _____
Desired Use(s): _____

Comprehensive Plan Designation: URBAN EXPANSION

Traffic Impact Analysis Required: Yes (payment enclosed) No

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

J H Wagner Young 3-1-2010 [Signature] 3/1/10
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: _____

RWW 36, LLC - TYLER ROAD PROPERTY
COMMERCIAL DEVELOPMENT
REZONING PROFFER STATEMENT

Dated: March 1, 2010

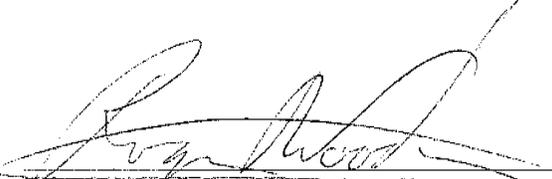
Proffer Statement for a requested rezoning application of Tax Parcels #104-4 47, 104-A 27A, 104-4 42, 104-4 41, 104-4 40, and a portion of 104-A 88, located off Tyler Road and Meadow Creek Road.

The owner/applicant hereby voluntarily proffers that this property will be developed in accordance with the following conditions if and only if, approval of the proposed rezoning is granted. These proffers will be included in all future transactions of the property to all owners, their successors and assigns.

We hereby proffer the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission.

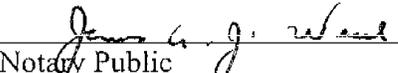
- 1) Property shall be developed in substantial conformance with the conceptual plan by Balzer and Associates, Inc. dated March 1, 2010.
- 2) The site shall be served by Montgomery County PSA sanitary sewer and water. The rezoning of the property does not allocate or reserve water and sewer capacity for the proposed development. Site plan approval for the development shall be conditioned upon adequate water and sewer capacity being available. The applicant may be responsible for bearing the cost of any necessary utility infrastructure improvements needed by the PSA both on site and off site to accommodate the requested capacity based on the proposed use for the Property.
- 3) 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.
- 4) Stormwater management shall be designed in accordance with all State and Local stormwater management standards.
- 5) All entrances onto Tyler Road at the roundabout, entrances onto Meadow Creek Road, and the right in/right out as shown on the Master Plan dated March 1, 2010 and submitted to VDOT as part of the Traffic Impact Analysis shall will be designed to Virginia Department of Transportation standards and meet the Montgomery County 177 Corridor Plan.
- 6) The right in/right out entrance shall be approved and constructed prior to the issuance of a certificate of occupancy for building #4 or #6 as shown on the approved Master Plan.
- 7) The following uses will be prohibited in the General Business District: apartment as accessory use, building material sales, cemetery, church, civic club, crematorium, custom meat cutting- processing and sales, funeral home, homeless shelter, pet-household, public utility lines-other distribution or collection facility, school, and garden center.
- 8) The owner will agree to share in the expense of realigning and improving Barn Road in an amount not to exceed the lesser of \$136,500.00 or 50% of the cost of those improvements upon the closing of Meadow Creek Road and the vacation of the associated Meadow Creek Road right of way by the Montgomery County Board of Supervisors.

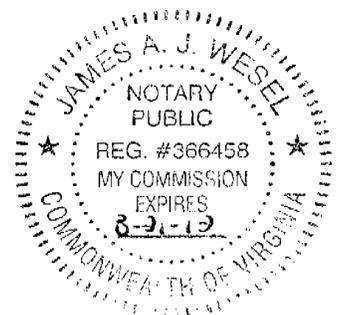
- 9) The owner shall coordinate and cooperate with AEP during the development of construction plans consistent with the July 29, 2009, letter from AEP to Balzer & Associates, Inc. in order to provide for the overall safety of future users of the site and to ensure that AEP construction guidelines are effectively met.
- 10) The following architectural standards of the development will be incorporated into the development to provide compatibility with commercial uses on the 177 Corridor:
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 - b. The exposed portions of all exterior wall surfaces of each building on the Property (excluding rooftop screening materials for mechanical equipment) shall be designed and constructed of similar materials. This proffer shall not preclude the use of a design that alternates a combination of permitted materials for architectural effect. Building materials shall consist of brick, stone, split face block, EIFS such as Dryvit or cementitious siding.
 - c. Roofing materials for pitched roofs shall be metal, natural or composite shingle. Buildings with flat roofs shall have a decorative cornice at the top of all walls.
 - d. When a building is adjacent to a public right of way, architectural detail shall be incorporated to create architectural character on the building faces that are visible from that public right of way. Detail includes highlighting foundations, lintels, sills and cornices with contrasting materials and breaking up the mass of the building with bands at floor levels or projections at entries.
 - e. Windows and doors shall have a regular pattern of solids and voids that are consistent throughout individual buildings when visible from a public right of way.
 - f. Building elevations shall be included with all site plan submittals.
 - g. Prefabricated metal buildings with vertical metal siding shall be prohibited.


2/25/10
 RWW 36, LLC - Owner/Applicant Date
 By Roger Woody, Managing Member

Commonwealth of Virginia
County of Montgomery

The foregoing instrument was acknowledged before me this 25th day of February 2010 by:
Roger Woody of Montgomery County.


 Notary Public
 My commission expires 8-31-13



Edwin Mark Stewart – Owner/Applicant _____ Date _____

**Commonwealth of Virginia
County of Montgomery**

The foregoing instrument was acknowledged before me this _____ day of _____ 2010 by: _____ of Montgomery County.

Notary Public
My commission expires _____

Kathleen L. Stewart – Owner/Applicant _____ Date _____

**Commonwealth of Virginia
County of Montgomery**

The foregoing instrument was acknowledged before me this _____ day of _____ 2010 by: _____ of Montgomery County.

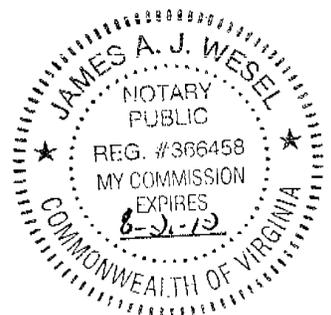
Notary Public
My commission expires _____

H Wagner Young _____ 3/1/2010
Judson H. Young Life Estate – Owner/Applicant Date
C/O H. Wagner Young

**Commonwealth of Virginia
County of Montgomery**

The foregoing instrument was acknowledged before me this 1st day of March 2010 by: H. Wagner Young of Montgomery County.

James A. J. Wesel
Notary Public
My commission expires 8-31-13





MONTGOMERY COUNTY PUBLIC SERVICE AUTHORITY

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

Gary D. Creed, Chair
James D. Politis, Vice-Chair
Mary W. Biggs, Secretary-Treasurer
Annette S. Perkins, Member
William H. Brown, Member
John A. Muffo, Member
Douglas W. Marrs, Member

Robert C. Fronk, PE
PSA Director

December 29, 2009

Mr. Steve Semones
Balzer Assc.
448 Peppers Ferry Road
Christiansburg, VA 24073

RE: Availability No. 09-86
Commercial Development
Tyler Road
Tax Map No. 104-4 27A, 40, 41, 42, 47, 88 & 89
Parcel ID 008938, 021673, 021674, 021674,
002244, 021672 & 021660
Water/Sewer

Dear Mr. Semones:

Public water and sanitary sewer may be available to this proposed commercial development along Tyler Road.

Public water service may be provided by a minimum 12-inch water main extension to a point adjacent to all lots from the end of the 8" water main near 2827 Barn Road adjoining the subject property. If adequate flow and/or pressure are not available from the above extension, a water main loop from the 8" water main near 2827 Barn Road to the 8" water main in front of 4279 Bains Chapel Road approximately 5,000 feet to the west of the subject property may be required to comply with PSA regulations. The hydraulic grade line of the water system is 2334 feet MSL. A pressure reducing valve would be required if the domestic water pressure exceeds 80 psi. A table providing facility fees per water meter size follows. Be advised that a separate fire service must be metered in accordance to PSA requirements. Also be advised that a separate fire service is billed a monthly rate based upon meter size. It is your responsibility to install the service lines from the meter to the building under the provisions of the plumbing code. The installation and maintenance of the pressure-reducing valve(s) shall be the owner's responsibility.

Public sewer may be provided by a public sewer main extension to a point adjacent to all lots from terminal sewer manhole BT-D-30 near 2827 Barn Road adjoining the subject property. This sewer main discharges into a public sanitary sewer pump station approximately 1,000 feet to the east of sewer manhole BT-D-30. ***In its current configuration this pump station has additional capacity for an average daily flow of 40,000 gallons per day.*** Several options are available to increase sewer capacity to the subject development such as upgrading the existing sewer pump station or possibly making connection to the sewer within the VDOT rest area to the west of the subject property. A table providing facility fees per water meter size follows. Be advised that this facility will discharge into a sewer system served by a public sewer pump station requiring a Sewer Pump Station Facility Fee.

Page Two
Mr. Steve Semones
December 29, 2009

A selection of water and sewer fees based upon water meter size is provided for your information:

<u>Water Meter Size</u>	<u>Water Facility Fee</u>	<u>Sewer Facility Fee</u>	<u>Sewer Pump Station Facility Fee</u>
5/8"	\$ 2,500.00	\$ 3,000.00	\$ 750.00
1"	\$ 6,250.00	\$ 7,500.00	\$ 1,875.00
1 1/2"	\$ 12,500.00	\$ 15,000.00	\$ 3,750.00
2"	\$ 20,000.00	\$ 24,000.00	\$ 6,000.00
3"	\$ 37,500.00	\$ 45,000.00	\$11,250.00

Please be advised that fire services are billed at a monthly rate according to the size of the service line. The fire service rates are as follows:

2" Meter/Service Line: \$32.00 / month 3" Meter/Service Line: \$60.00 / month
4" Meter/Service Line: \$100.00 / month 6" Meter/Service Line: \$200.00 / month

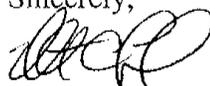
The water and sewer facilities must be designed to PSA standards by an engineer and approved by the PSA prior to construction. The owner would be responsible for the cost of the water main extension, any necessary water system appurtenances, sewer main extension, sewer pump station upgrade, public easements, 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 the applicable water and sewer facility fees for all units of the development would be required prior to approval of the site plan. The PSA must inspect the water and sewer laterals between the water meter and public sewer to the building. You should coordinate the inspection of these laterals with the PSA prior to installation.

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. **The currently available remaining sewer system capacity (November 2009) is 80,000 gallons per day (gpd).** Please be advised that there are several proposed projects in this area with total projected sewer demands in excess of the currently remaining sewer system capacity. The current PSA policy is that sewer capacity is only reserved by payment of the facility fee after PSA approval of site plans. Additional sewer system capacity is available and may be purchased if required.

If the owner wants to proceed with this service, please have your engineer contact me for details. *This letter and stated fees are only valid to January 1, 2011.*

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

Sincerely,



Robert C. Fronk, PE
PSA Director

cc: Montgomery County Planning & Zoning ✓

RWW 36, LLC - TYLER ROAD PROPERTY
COMMERCIAL DEVELOPMENT
COMPREHENSIVE PLAN JUSTIFICATION

The properties described in the Rezoning application are currently zoned as follows: 104-4 47 GB-General Business, 104-A 27A R3-Residential, 104-4 42, 104-4 41, 104-4 40, 104-A 88, and 104-A 89 A1-Agricultural. Parcel # 104-4 47 was rezoned to General Business by the Montgomery County Board of Supervisors on September 14, 2009. With the new conceptual plan and road layout proposed with this current rezoning request, the previously approved proffers and masterplan must be amended. This parcel is approximately 6.02 acres. The additional parcels listed above are requested to be rezoned to General Business. The total acreage for the additional parcels is approximately 5.14 acres. The current alignment of Meadow Creek Road is still proposed to be closed and the right of way vacated during this development and the existing right-of-way included as part of the proposed commercial site. The acquisition of the former right-of-way (± 1.24 acres) will increase the total subject parcel size to approximately 12.40 acres. The majority of the property is vacant and vegetated. However, there are two houses located on the property on parcel #'s 104-4 40, and 104-A 27A.

The requested zoning change to GB General Business would allow for a future land use that is in keeping with the Montgomery County Comprehensive Plan and the 177 Corridor Plan which designates this area as Urban Expansion. Urban Expansion areas are areas which have been designated as preferred locations for new residential and nonresidential development. These areas are adjacent to the Town boundaries or in high growth corridors and are intended for growth due to existing population, transportation access and accessible public utilities. The Urban Expansion areas also allow for development that will be compatible to existing development within the corporate limits.

The commercial uses shown on the masterplan are a 4,600 s.f. full-service restaurant with a drive-thru, a 4,700 s.f. full-service restaurant without a drive-thru, an 86 room hotel, a 4,000 s.f. gas/ convenience station with 4 fuel islands, a 14,400 s.f. office/retail center, a 4,000 s.f. full-service restaurant without a drive-thru, and two 4,000 s.f. medical office buildings. The uses are shown with the higher intensity uses toward the front of the site with the retail and medical office uses towards the back of the site. There is a 100' APCO easement that bisects the property which will be utilized for parking, stormwater management and public utilities. The development shows three entrances to serve the property. One entrance would be at the existing cross-over intersection of Meadow Creek Road and Tyler Road, and would be a full access intersection. This will be the new Meadow Creek Road / Barn Road Extension. Meadow Creek road is proposed to be closed by this development and the existing traffic to be re-routed to this new road. There will be several entrances into different portions of the project off of this new Road – all designed to VDOT standards. Entrances will be shared between uses and cross access easements will extend over all parcels for interconnectivity. The proposed development of adjacent parcels across Tyler Road has a roundabout proposed for the intersection of Tyler Road and Meadow Creek Road. With the additional uses proposed with this rezoning, the roundabout would be required for this development as well. It is likely that the three property owners would all participate in the cost of the roundabout. The second entrance that is to be located at the southern end of the property would be a right in/right out entrance. The third entrance is located at the end of the existing improved Barn Road and would be the main access to Parcel #8.

Given the site constraints and necessary compliance with specific zoning regulations, the current layout gives a realistic build out density to use for projecting water and sewer usage as well as transportation planning. The detailed assumptions made for these infrastructure improvements are detailed in the Traffic Impact Analysis and the Water and Sewer Service section of this application.

The elements that directly conform to the issues stated in the **Montgomery County 2025 Comprehensive Plan** are the following:

- 1) PLU 1.8.2 – The development is proposed within a planned corridor area (177 Corridor) and is under the review of Montgomery County and the City of Radford.
- 2) PLU 1.8.4.c,e – The overall development provides a mix of commercial uses and is compatible with development within the corporate limits. It also provides opportunities for pedestrian and vehicular circulation throughout the development.
- 3) PLU 1.8.5.a,c / 2.1.b – The development will have public utilities, and will allow for effective transportation strategies.
- 4) PLU 1.8.6 – Due to the project being located in the 177 Corridor, Montgomery County and the City of Radford had coordinated on this area being designated for commercial expansion.
- 5) PLU 2.1a – The commercial development is located within an area designated Urban Expansion.
- 6) PLU 2.1.f – The development will provide safe pedestrian walkways to land uses.
- 7) PLU 2.1.c,e, TRN 1.3.2 – The proposed site entrances will be safely designed and will be constructed at the owner's expense. The proposed site access and reserved right of way will allow for future interconnections with adjacent properties.
- 8) PLU 2.1.d, f – The development will have pedestrian access between uses.
- 9) PLU 2.1.g – The development will have buffers along all uses with lower intensities as well as increased buffers as required by the 177 Corridor Overlay regulations.
- 10) ENV 3.2.4 – The development will minimize any negative effect on water quality.
- 11) ENV 5.6 – The development will provide for stormwater management and is located in an area where public water and sewer service exists.
- 12) ENV 6.5 – The proposed development is maintaining existing drainage patterns for stormwater management.
- 13) ENV 7.0 – The proposed development is maintaining water quality and protecting downstream properties with stormwater management techniques.
- 14) TRN 1.3.2, TRN 1.3.5 – Interconnectivity of roads and walkways will be provided.
- 15) TRN 1.4.2 – Access to the proposed higher intensity uses will be off of the relocated Meadowcreek Road as opposed to accessing off of a major thoroughfare, ie. Tyler Road. Each use will not have its own entrance off of Tyler Road.
- 16) TRN 2.4.1 – The proposed main entrance location meets the access management requirements in the 177 Corridor Plan.

The elements that directly conform to the issues stated in the Montgomery County 2025 Comprehensive Plan for the **VA 177/ Tyler Avenue Corridor Area** are the following:

- 1) The proposed relocated Meadow Creek Road will connect to Tyler Road at the same location as it currently exists.
- 2) Additional landscape buffer requirements will be adhered to based on the Corridor Plan.
- 3) The development meets the uses allowed by the Future Land Use Map.
- 4) Any utility upgrades required as a result of the proposed development would be installed by the developer.

Water & Sewer Service

The proposed rezoning area is on the east side of Tyler Road and to the south of Interstate 81 Northbound and adjacent to Meadow Creek Road and Barn Road. Currently the site does have public water and public sewer service located adjacent to the parcel boundaries. The main connection to the Montgomery County Public Service Authority (PSA) operated water and sewer is located on Barn Road, to the east of the subject parcel. An 8" waterline and an 8" gravity sewer line terminate at this point on Barn Road. Both the water and sewer will need to be extended into the subject property as it develops.

Based on the existing topography and drainage patterns of the site, the site drains naturally to the low point on the subject property along the eastern boundary line in the general area where the 100' APCO easement leaves the site. The APCO easement includes a stormwater and public utility easement across the property. The location of where this easement crosses Barn Road, is assumed to be where the sewer connection would be made. The site would gravity feed to this location and would continue through the main gravity sewer extension line until it reaches the existing pump station. According to the letter provided to the owner from the PSA on June 22, 2009, the pump station has an additional 40,000 gallons of capacity. Since the last rezoning request for this property, the City of Radford and Montgomery County have agreed to an additional 200,000 gallons of sewer capacity per day. Thus, the sewer system has approximately 303,000 gallons of remaining capacity. Coordination with the PSA will be necessary to insure that the pump station can be upgraded in the future by the applicant or by others as adjacent property develops.

Based on case studies for actual usage rates and Virginia Department of Health Standards, an average daily flow is estimated as follows for the proposed uses:

RESTAURANT - Parcel #1

Restaurant: 4,600 Square Foot

Design Assumptions and Calculations:

1. Assume approximately 990 sf of kitchen & waiting areas leaving 3,910 square feet of seating/dining areas
2. Per state code, maximum occupancy is 1 person/15 square feet of seating space = 261 person
3. Water and Sewer usage for restaurants is 19 gal/day per seat = 4,959 gal/day

Total Water/Sewer Usage By Restaurant = **4,959 gal/day**

RESTAURANT – Parcel #2

Restaurant: 4,700 Square Foot Restaurant

Design Assumptions and Calculations:

1. Assume approximately 940 sf of kitchen space leaving 3,760 square feet of seating area
2. Per state code, maximum occupancy is 1 person/15 square feet of seating space = 251 person
3. Water and Sewer usage for restaurants is 19 gal/day per seat = 4,769 gal/day

Total Water/Sewer Usage By Restaurant = **4,769 gal/day**

HOTEL USE – Parcel #3

Hotel: 86 Room Hotel

Design Assumptions and Calculations:

1. Each room is assumed to be occupied by 2 people and water and sewer usage is 24 gal/day per person = 4,128 gal/day
Total Water/Sewer Usage By Hotel = **4,128 gal/day**

GAS SERVICE STATION – Parcel #4

Gas/Service Station: 4,000 Square Foot Gas Station with 8 Vehicle Fueling Positions

Design Assumptions and Calculations:

1. From ITE Trip Generation Spreadsheet, a service station with 8 vehicle fueling positions will generate approximately 1,348 vehicles per day
1. Water and Sewer Usage for gas service stations is 71 gal/day per Dispenser = 568 gal/day
Total Water/Sewer Usage = **568 gallons per day**

MIXED USE OFFICE/RETAIL CENTERS – Parcel #5

Retail: There will be 14,400 Square Feet of general retail space located on the upper level of the mixed-use facility.

Office: 14,400 Square Feet of general office space located on the lower level of the mixed-use facility.

Design Assumptions and Calculations:

2. There is 28,800 Square Feet of ultimate floor space and water and sewage usage is 100 gal/day for every 1,000 Square Feet of ultimate floor space = 2,880 gal/day
Total Water/Sewer Usage By Office = **2,880 gal/day**

RESTAURANT – Parcel #6

Restaurant: 4,000 Square Foot

Design Assumptions and Calculations:

4. Assume approximately 800 sf of kitchen & waiting areas leaving 3,200 square feet of seating/dining areas
5. Per state code, maximum occupancy is 1 person/15 square feet of seating space = 213 person
6. Water and Sewer usage for restaurants is 190 gal/day per seat = 4,047 gal/day
Total Water/Sewer Usage By Restaurant = **4,047 gal/day**

MEDICAL OFFICE – Parcel #7

Medical Offices: Medical Office Building Totaling 4,000 Square Feet

Design Assumptions and Calculations:

1. Water and Sewer usage for medical offices is 500 gal/day per 1,000 square feet of doctor's office = 2,000 gal/day
Total Water/Sewer Usage By Medical Office = **2,000 gal/day****

MEDICAL OFFICE – Parcel #8

Medical Offices: Medical Office Building Totaling 4,000 Square Feet

Design Assumptions and Calculations:

1. Water and Sewer usage for medical offices is 500 gal/day per 1,000 square feet of doctor's office = 2,000 gal/day
Total Water/Sewer Usage By Medical Office = **2,000 gal/day****

**TOTAL ESTIMATED WATER/SEWER USAGE BY PROPOSED DEVELOPMENT
= 25,351 gallons per day**

** Water and sewer usage rates taken from the Virginia Department of Health Design and Construction Criteria Table 5.1

The subject property is identified in the Montgomery County Comprehensive Plan as Urban Expansion. The Comprehensive Plan identifies Urban Expansion areas as those which have public utilities available to them (PLU 1.8.5a).

Applicant will construct or cause to be constructed at no expense to the County all water/sewer mains and appurtenances on the Property and will connect the water/sewer mains to publicly owned water/sewer mains. All water mains and sewer mains will be constructed to the standards of the County, will comply with the regulations and standards of the County and will comply with the regulations and standards of all other applicable regulatory authorities. All water mains and appurtenances and sewer mains will be dedicated to public use.

Project Phasing

The development of the site is currently not planned to be phased. While the construction of the buildings could occur over a period of years, the main infrastructure, road work, stormwater management and grading activities would likely occur in the first stage of construction.

Roads

The proposed development conceptual plan indicates that there will be multiple entrances /access points into the property. The main access will be the new Meadow Creek Road / Barn Road Extension. There will be several entrances into different portions of the project off of this new Road. Entrances will be shared between uses and cross access easements will extend over all parcels for interconnectivity. All entrances will be designed to VDOT standards. This rezoning proposes that Meadow Creek Road be closed and all traffic re-directed to new Meadow Creek Road / Barn Road extension. The right of way of Meadow Creek Road would also be vacated and deeded to the subject property. The existing entrance of Meadow Creek Road onto Tyler Road at the existing crossover would be redesigned and become the entrance to the new Meadow Creek Road / Barn Road extension. The project also proposes to close and vacate the unimproved portion of Barn Road along the eastern boundary of the project. This portion of Barn Road does not meet current VDOT standards and would need to be improved to use it. Barn Road would terminate in a cul-de-sac as shown at the southern boundary of the Seeley property. The developer has had discussions with VDOT and Carilion New River Valley Medical Center concerning this option and both support the proposal. Carilion indicated that future development of their campus will have interior connections and that they would not use Barn Road for its frontage.

Based on the estimated trips entering and leaving the site from Tyler Road during full buildout, a left turn lane would be required on the southbound lane of Tyler Road entering the site. However, a full left turn lane and taper cannot be installed because the

improvements would encroach to close to the Interstate 81 on and off ramps. As with the S&P of Virginia, LLC and Emerald Investors, LLC rezoning requests, the proposed roundabout would need to be constructed with this request in order to allow traffic to flow safely at the intersection. A VDOT 527 Traffic Impact Analysis was performed with the original rezoning request and has been modified with this new application. The new Analysis shows the proposed roundabout reaching capacity during total buildout. This will need to be addressed with VDOT and the County and may require the project be phased or additional road infrastructure to be constructed. Also as part of this application, the owner has agreed to participate financially with Montgomery County and VDOT in designing and constructing approximately 1,600 linear feet of road improvements necessary to bring the Meadow Creek Road / Barn Road extension up to current VDOT standards. Carilion Hospital must also participate in this venture by agreeing to dedicate the required right of way to construct the new portion of this extension.

The right in/right out entrance shown on Tyler Road was approved by the Montgomery County Board of Zoning Appeals during the previous Woody rezoning request. The location of this entrance has not changed with the new masterplan. This proposed entrance will be designed to VDOT standards and will meet the other standards set forth in the 177 Corridor plan. Turn lanes have been shown on the concept plan and the entrance is more than 300' from the Barn Road intersection and the Meadow Creek Road Intersection. One main reason this entrance is proposed is for easier access into the site for hospital patrons. When leaving Barn Road, one can enter the site at this entrance and avoid adding any unnecessary traffic to the roundabout intersection. The third entrance into the property is off of Barn Road near the hospital. An entrance is shown to Parcel #8 for the medical building shown on the masterplan. This entrance also is connected to the rest of the site via cross access to allow any vehicular traffic on Barn Road to access the site here as opposed to getting back out onto Tyler Road.

Landscaping/Buffering

Landscaping will be provided as specified in the Montgomery County Zoning Ordinance based on the land use buffer matrix. The landscaping along the frontage adjacent to Tyler Road and Meadow Creek Road/Barn Road is shown as a 15' Type 3 Buffer, the parcel lines adjacent to property with a residential use will have a 25' Type 4 Buffer, the frontage along I-81 will have 20' Type 4 Buffer, and the parcel lines adjacent to properties of medical use shall have a 15' Type 3 or 2 buffer as required by the matrix and the 177 Corridor Plan. These buffers should provide adequate screening for the property from adjacent properties and right of ways.

Housing Resources

The project being proposed is a commercial development and will have no impact on the housing resources.

Water Quality & Stormwater Management Standards

The overall property currently drains naturally to one drainage basin at the eastern boundary of the subject parcel which drains to a tributary of Meadow Creek. The current master plan shows a preliminary location for a stormwater management area within the existing stormwater easement located on the adjacent property identified as TM# 104-A 27A. This area would be sized to accommodate the additional stormwater runoff created by the increased impervious areas of the development. The stormwater management facility is expected to be installed underground in a system of pipes that would work to reduce the

amount of post development runoff as well as treating the stormwater runoff for water quality purposes. The proposed stormwater management area will conform to all applicable Department of Conservation and Recreation regulations dealing with stormwater quantity and quality. At a minimum, the 2-Year and 10 Year post-development runoff rates will be less than or equal to the 2-Year and 10-Year pre-development runoff rates. With these design measures in place there should be no negative impact on the groundwater supply for any adjacent well users.

Another stormwater management option would be to work with the Hospital to establish a regional stormwater pond which would accept this project's stormwater management requirements as well as future development for the Hospital's campus.

Public School Impacts

The proposed project is a commercial development and will have no impact on the public school system.

Sec. 10-28. GB General Business.

(1) *Purpose.* This district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access. It is intended for the orderly growth of business within the unincorporated territory of the county and most often abuts the incorporated urban areas along primary highways. Activities in GB districts shall have limited traffic and other impacts on uses in other districts through proper location on major streets, preference for locations adjoining concentrations of existing commercial or industrial uses and zoning, and provision of space and physical buffers as prescribed. Areas designated for commercial use are best suited for rezoning to this district.

(2) *Qualifying lands.* Lands qualifying for inclusion in the district shall be those within the current GB district on the date of adoption of this chapter, or other lands within areas mapped as village, village expansion, or urban expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be five (5) acres of total contiguous land.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:

- (a) Apartment as accessory use, maximum of two (2) per business structure.
- (b) Assembly of electrical, electronic devices, less than three thousand (3,000) square feet floor area.
- (c) Automotive, light truck, sales, service, rental and repair, excluding motor fuel sales.
- (d) Building material sales.
- (e) Business or trade school.
- (f) Cabinet shop, furniture, upholstery, craft industry of less than three thousand (3,000) square feet.
- (g) Cemetery.
- (h) Church.
- (i) Civic club.
- (j) Community center.
- (k) Conference or training center.
- (l) Crematorium.
- (m) Custom meat cutting, processing and sales (excluding slaughtering).
- (n) Day care center.
- (o) Equipment sales and service.
- (p) Financial services.
- (q) Fire, police, rescue facility.
- (r) Funeral home.
- (s) General store, convenience store without motor fuel sales.
- (t) Homeless shelter.
- (u) Hotel, motel.
- (v) Laundromat.
- (w) Library.
- (x) Medical care facility.
- (y) Motor vehicle rentals.
- (z) Office, administrative, business or professional.
- (aa) Park.
- (bb) Park and ride lot.
- (cc) Pet, household.
- (dd) Post office.

- (ee) Printing service.
- (ff) Public utility lines, other distribution or collection facility.
- (gg) Public utility lines, water or sewer.
- (hh) Radio station; excluding tower.
- (ii) Restaurant.
- (jj) Retail sales and services.
- (kk) School.
- (ll) Shopping center.
- (mm) Telecommunication tower, attached.
- (nn) Veterinary practice, animal hospital.
- (oo) Garden center.

(4) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and with all other applicable regulations:

- (a) Assembly of electrical, electronic devices, greater than three thousand (3,000) square feet floor area.
 - (b) Boarding house.
 - (c) Truck, trailer, heavy equipment sales, service, rental and repair.
 - (d) Building greater than fifty (50) feet in height.
 - (e) Contractors service establishment.
 - (f) Farm machinery sales and service.
 - (g) Feed and seed store and mill.
 - (h) General store, convenience store with motor fuel sales.
 - (i) Golf driving range, miniature golf and similar outdoor recreation.
 - (j) Kennel, commercial.
 - (k) Livestock market.
 - (l) Mini-warehouse.
 - (m) Outpatient mental health and substance abuse center.
 - (n) Public utility plant, other.
 - (o) Public utility substation.
 - (p) Public utility plant, water or sewer.
 - (q) Recreation establishment.
 - (r) Recycling facility.
 - (s) Service station.
 - (t) Shooting range, indoor.
 - (u) Telecommunication tower, freestanding.
 - (v) Transition house.
 - (w) Night club.
 - (x) Stone engraving and sales.
- (5) *Lot requirements.*

(a) *Minimum lot area.* Twenty thousand (20,000) square feet for lots sharing access with another lot, one (1) acre otherwise, except for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.

(b) *Lot access.* Lots shall be accessed from a shared access drive connected to a road in the VDOT system wherever possible. Access roads shall be hard-surfaced roads designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshall. Lot access for GB uses shall avoid impacting residential subdivisions with primary access and through traffic.

(c) *Minimum width.* Seventy-five (75) feet for lots sharing access with another lot, one hundred fifty (150) feet otherwise. Width requirements for public utility or public

water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.

(d) *Maximum floor area ratio.* 0.40.

(e) *Maximum coverage by buildings.* Forty (40) percent.

(f) *Total impervious surface.* The total impervious surface located on a lot shall not exceed eighty-five (85) percent of the gross site area.

(6) *Building requirements.*

(a) *Minimum yards.*

1. *Front.* Fifty (50) feet when opposing street frontage is residential district; thirty-five (35) feet otherwise.

2. *Side.* Forty (40) feet when adjacent lot is residential district; ten (10) feet otherwise.

3. *Rear.* Forty (40) feet when adjacent lot is residential district; ten (10) feet otherwise.

(b) *Maximum building height.* Fifty (50) feet (reference subsection (4) for exception).

(7) *Use limitations.*

(a) *Screening and landscaping.* Notwithstanding other buffer, landscaping and screening requirements of this chapter, outside storage areas for materials, equipment or trash are accessory uses, may not exceed forty (40) percent of building area, must be located in side or rear yards adjacent to building, and must be screened from view of adjacent streets or adjacent land.

(b) *Off-street parking and loading.*

1. Off-street parking permitted in required setback.

2. Must be provided in accordance with section 10-44.

(c) *Indoor/outdoor operations.* All repair and service operations must take place within a completely enclosed building, unless permission for outside operations is specifically granted by the board of supervisors in a special use permit.

(Ord. No. 1999-12, §§ 2-800--2-807, 12-13-99; Ord. No. 2001-03, 2-12-01; Ord. No. 2001-08, 6-11-01; Ord. No. 2003-07, 6-9-03; ORD-FY-05-19, 12-13-04; ORD-FY-05-21, 4-11-05; ORD-FY-08-17, 11-14-07; ORD-FY-09-11, 2-9-09)

Sec. 10-39. Route 177 Corridor Overlay District.

(1) **Purpose.** The purpose of the Route 177 Corridor Overlay District is to establish a base development standard applicable across all pre-existing zoning districts. The uses present within the district may be agricultural, residential, commercial or industrial. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, while allowing well planned residential, commercial, and industrial development. The specific objectives of the district regulations are to: promote and encourage safe and efficient traffic movement, protect existing residential communities from conflicting land uses, encourage planned unit development of community facilities, minimize visual nuisances associated with increased intensities of land use, and protect the natural environment.

Both the City of Radford and Montgomery County provide joint review of zoning issues and site development plans through a joint site review committee within the overlay district as specified in the Route 177 Corridor Agreement. Joint review is central to the effective implementation of the Route 177 Corridor Agreement's recommendations, and achievement of the future land use patterns included in both jurisdictions' comprehensive plans.

(2) **Qualifying/regulated lands.** Entrances permitted on designated roads within the district are subject to specific entrance standards. Roads and road segments

subject to these standards are those that function as corridor thoroughfares or as corridor collector streets that connect large areas of the county to primary highways or funnel traffic from large development complexes to a primary highway.

(a) *Corridor thoroughfare lands.* Designated corridor thoroughfare:

1. Tyler Road (VA 177) between Rock Road and Barn Road.

(b) *Corridor collector street lands.* Designated corridor collector streets:

1. Lovely Mount Road from Wintergreen Drive to Tyler Road (VA 177).

2. Rock Road from Park Road to U.S. 11.

3. Mud Pike from Fire Tower Road to Tyler Road (VA 177).

(3) Uses permitted by right. Uses permitted by right shall be in accord with the provisions of the underlying base district except that high intensity agricultural and silvicultural activities are prohibited. High intensity activities include, but are not limited to, confinement operations, livestock markets, grain and feed mills, sawmills, commercial wood storage, or preserving operations. Family subdivisions are permitted by right provided the lots created do not create new entrances onto roads defined as corridor thoroughfares or corridor collector streets.

(4) Uses permitted by special use permit. Uses permitted by special use permit shall be in accord with the provisions of the underlying base district.

(5) Lot requirements.

(a) In General Business (GB) and Community Business (CB) the maximum lot coverage by buildings and paved areas shall be fifty (50) percent. This open space coverage requirement can be reduced to forty (40) percent during the site plan review process by incorporating innovative and creative features into the development design, such as, but not limited to the following:

1. Providing for shared driveways, access by an internal service street or long-term interparcel connections through right-of-way dedication.

2. Exceeding landscaping requirements by increasing size of trees or shrubs at time of planting, increasing minimum bufferyard width, increasing number of trees and/or shrubs to be planted, protecting existing vegetation, etc.

3. Exceeding building and yard setbacks from Route 177.

4. Use of monument style signs of quality construction that are less than eight (8) feet in height.

5. Protection of scenic views, both views into the development and from the development.

6. Design of building that pays careful attention to "roofscapes" and facade design-as well as back of structures.

(b) Other lot requirements shall be in accord with the provisions of the underlying base district.

(6) Building requirements.

(a) *[Width and height.]* Width and height shall be in accord with the provisions of the underlying base district.

(b) *Setbacks and yards.*

1. Setbacks:

a. Buildings or structures shall be set back a minimum of forty (40) [feet] from the right-of-way of any corridor thoroughfare or corridor collector street.

b. Buildings or structures shall be set back a minimum of twenty (20) [feet] from the right-of-way of any other street in the overlay district.

c. Parking areas shall be set back a minimum of twenty (20) feet from any public right-of-way in the district.

2. Side and rear yards. The yards will extend a minimum of twenty (20) feet from the side and rear property line or adjacent right-of-way. For permitted uses adjoining a residential zoning district this distance will be a minimum of thirty (30) feet. No buildings or parking will be located in a side or rear yard.

(7) Use limitations.

(a) *Corridor thoroughfare and corridor collector street entrance standards.* Commercial entrances permitted on designated corridor thoroughfare and corridor collector streets within the district are subject to entrance standards outlined in this section. Roads and road segments subject to these standards are mapped on the official zoning map.

(b) *Limits for corridor thoroughfares.* Where entrances allowed:

1. Commercial entrances on corridor thoroughfares are restricted to: those designated in the Montgomery County Comprehensive Plan as amended; existing parcel entrances, which are grandfathered; and commercial entrances serving parcels created after January 1, 1995, that comply with the following conditions:

a. Replaces on a one-for-one basis an existing residential or commercial entrance, and new VDOT entrance permit is granted.

b. Does not result in more than one (1) entrance design per parcel per road abutted by a parcel; and

c. The specific entrance proposal to be constructed has been reviewed by the joint site review committee within the preceding four (4) years.

(c) *Limits for corridor collector streets.* Where entrances allowed:

1. Entrances to corridor collector streets are allowed where there is an existing parcel entrance which is grandfathered and where commercial entrances to parcels created after January 1, 1995, comply with the following conditions:

a. Do not result in the placement of more than one (1) entrance within one hundred fifty (150) linear feet of another on the same side of a roadway.

b. Are not located within one hundred (100) feet of an intersection with a thoroughfare street.

c. The number of vehicular entrances onto corridor collector streets shall be minimized. When several lots front on a corridor collector street, the zoning administrator may require that adjoining lots share a single driveway or that the lots be accessed by an internal service street. Where such sharing cannot be achieved in the short run, the means and location for future long term interparcel connections along the corridor shall be required through right-of-way reservation and/or dedication.

d. Meet VDOT entrance design requirements.

(8) Additional standards applicable to underlying district.

(a) *Minimum standards for corridor thoroughfare commercial entrances.*

1. Right-turn lanes and tapers will be required for all entrances. Said turn lane and taper will meet appropriate design criteria or be three hundred (300) feet in length, whichever is determined to be appropriate by the joint site review committee and VDOT review;

2. The entrance design will meet with the approval of the zoning administrator after adequate input is obtained from the applicant. The zoning administrator may request the advice or action by the planning commission prior to providing said approval;

3. The entrance design will meet with the approval of VDOT after adequate input is obtained from the applicant;

4. Acceleration lanes will be required where appropriate, based on sound transportation engineering design or at the specific direction of VDOT;

5. Commercial entrance designs for corner lots shall not have their primary access from the thoroughfare street. Direct access to the thoroughfare street may be allowed when the driveway to the street subject to these provisions is: (a) an entrance only, (b) more than one hundred (100) linear feet from the intersection (measured from the two (2) nearest curbs), and (c) meets all other requirements outlined herein, including VDOT approval; and

6. The number of vehicular entrances onto thoroughfare streets shall be minimized. When several lots front on a thoroughfare street, the zoning administrator may require that adjoining lots share a single driveway or that the lots be accessed by an internal service street. Where such sharing cannot be achieved in the short run, the means and location for future long term interparcel connections along the corridor shall be required through right-of-way reservation and/or dedication.

(b) *Outside lighting plan.*

1. Placement and shielding of all exterior lighting will be so arranged as to confine and direct light entirely within the boundary lines of a business operation and parking facilities; and

2. Outside lighting not necessary for site and personnel security will be turned off when the business is not open to the public.

(c) *Signage.*

1. Signage located within the district should be integrated into the site and site landscaping;

2. General advertising signs (i.e., billboards) are not allowed; and

3. Signage installed that conforms to the written guidelines provided by the zoning administrator is eligible for:

a. A twenty (20) percent size bonus for signs that use this design; and

b. Signs using the design may be located in the first twenty (20) feet of the front yard provided the sign does not interfere with any sight lines and the sign is not located on a utility easement.

(d) *Utility placement.*

1. All electric, telephone, television and other communication lines, both main and service connections, servicing new developments shall be provided by underground wiring within easements. These lines shall be installed in accordance with the prevailing standards and practices of the utility company providing such services.

2. If a road widening, an extension of service, or other such actions occur that necessitate the replacement or relocation of such utilities, replacement shall be underground.

3. Exceptions to the requirement for underground utilities are:

a. Major electric transmission lines responsible for transporting power through the area rather than to the area;

b. Provision of three-phase power; and

c. Where the zoning administrator determines that public safety is at substantial risk if underground utilities are employed.

4. Where overhead lines are permitted as the exception, the placement, type of pole, and alignment of poles shall be designed to lessen the visual impact of overhead lines. Such measures shall include placing overhead lines on rear lot lines and not placing overhead lines on ridgelines.

(e) *Landscaping.* Landscaping shall be provided based upon the buffer matrix, section 10-43(3), provided that the type of required bufferyard shall be one level higher in each case except where bufferyard Type 4 is required.

(f) *Parking bonus/incentive.* When two (2) or more adjacent property owners agree to share parking and a combined entrance to any street in this district, the required number of parking spaces may be reduced by as much as fifteen (15) percent for each business. In addition, the side yards (including associated landscaping) between the two (2) parcels are not required.

(g) *Solid waste management.* Commercial and residential developments where the underlying district is GB or RM-1 will incorporate recycling collection points if the development encompasses more than ten (10) acres or more than one hundred (100) units. These collection points will be subject to administrative review and approval of the City of Radford and Montgomery County. Adequate turn radii, street

width, concrete pads, etc. will be provided to facilitate collection vehicle access to dumpsters, roll-offs and similar recyclable and solid waste collection containers. This requirement may be waived by the zoning administrator if such a facility is deemed unnecessary by the county.

(h) *Protection of natural features.* To the maximum extent practicable, development shall be located so as to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features. The following specific features and methods of protecting them shall be identified on the site development plans by the developer and be preserved as undeveloped open space, to the extent consistent with the reasonable utilization of the land:

1. Unique and/or fragile areas, including wetlands as delineated on wetland maps prepared by the U.S. Fish and Wildlife Service.
2. Streams and water bodies including a buffer strip one hundred (100) feet in width along the centerlines of perennial streams.
3. Natural heritage resources defined by the Virginia Natural Area Preserves Act as "the habitat of rare, threatened, or endangered plant and animal species, rare or state significant natural communities or geologic sites, and similar features of scientific interest."
4. Steep slopes in excess of twenty-five (25) percent.
5. Sinkholes including a buffer area twenty (20) feet around the upper edge of sinkholes.
6. Ridgelines. Where possible, structures should not be located on ridgetops, rather they should be:
 - a. Located off the peak of the ridge; and
 - b. The presence of structures should be mitigated through reducing structure height below the crown of a mature tree stand where possible or reducing the visual impact of structures located above the ridgeline through innovative architectural design.

(9) *Special variance factors to be considered by the board of zoning appeals.*

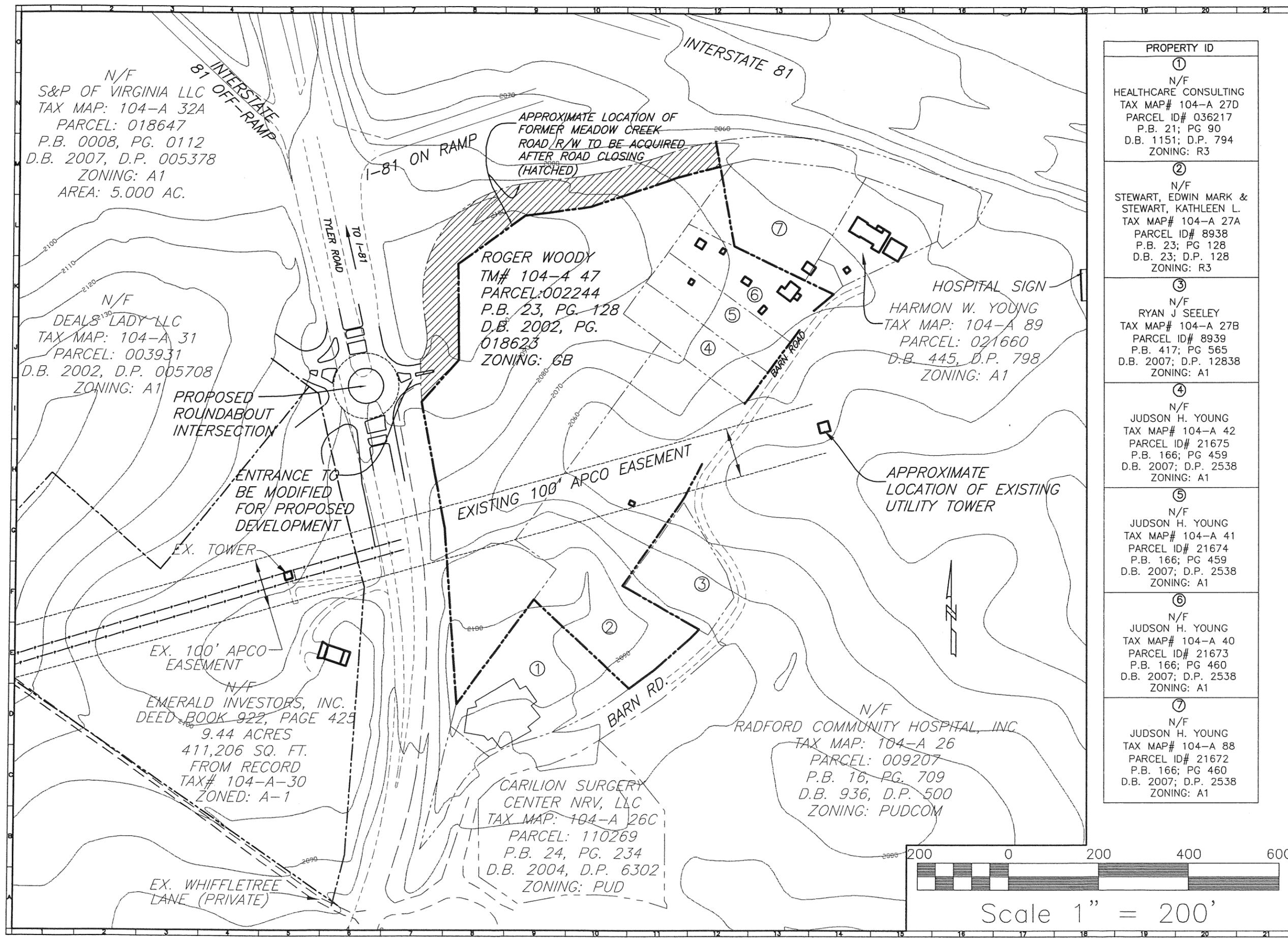
If an applicant can show just cause and present a safe and efficient entrance location at least three hundred (300) feet from any existing entrance or entrance identified in the Montgomery County Comprehensive Plan and meet all other design requirements, a request for a variance will be considered through an appeal to the board of zoning appeals (section 10-52). The finding of the board of zoning appeals will be forwarded to the Virginia Department of Transportation within thirty (30) days of the decision of the board of zoning appeals.

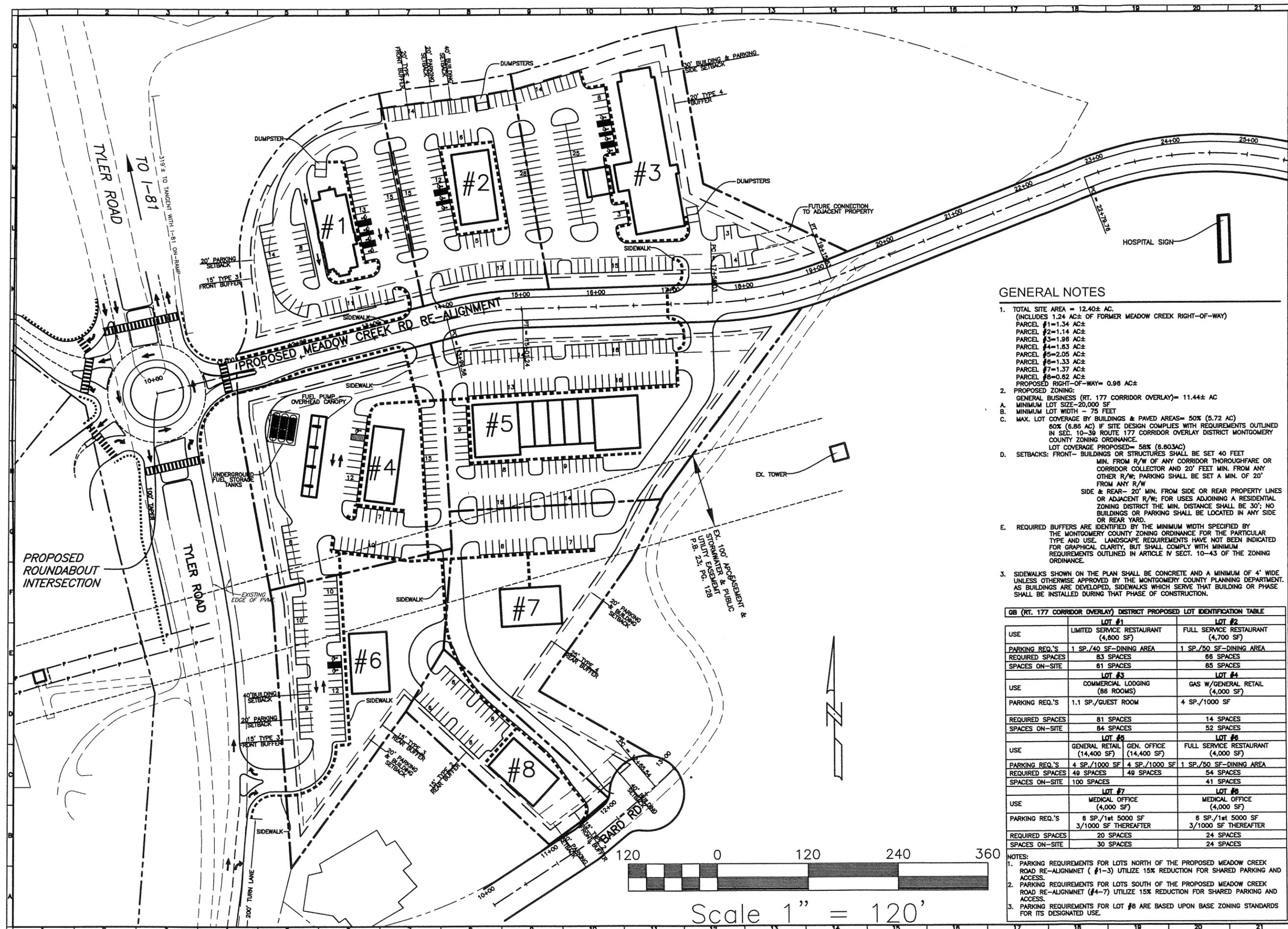
(Ord. No. 1999-12, §§ 3-700--3-709, 12-13-99; Ord. No. 2001-08, 6-11-01)

PROPERTY ID
① N/F HEALTHCARE CONSULTING TAX MAP# 104-A 27D PARCEL ID# 036217 P.B. 21; PG 90 D.B. 1151; D.P. 794 ZONING: R3
② N/F STEWART, EDWIN MARK & STEWART, KATHLEEN L. TAX MAP# 104-A 27A PARCEL ID# 8938 P.B. 23; PG 128 D.B. 23; D.P. 128 ZONING: R3
③ N/F RYAN J SEELEY TAX MAP# 104-A 27B PARCEL ID# 8939 P.B. 417; PG 565 D.B. 2007; D.P. 12838 ZONING: A1
④ N/F JUDSON H. YOUNG TAX MAP# 104-A 42 PARCEL ID# 21675 P.B. 166; PG 459 D.B. 2007; D.P. 2538 ZONING: A1
⑤ N/F JUDSON H. YOUNG TAX MAP# 104-A 41 PARCEL ID# 21674 P.B. 166; PG 459 D.B. 2007; D.P. 2538 ZONING: A1
⑥ N/F JUDSON H. YOUNG TAX MAP# 104-A 40 PARCEL ID# 21673 P.B. 166; PG 460 D.B. 2007; D.P. 2538 ZONING: A1
⑦ N/F JUDSON H. YOUNG TAX MAP# 104-A 88 PARCEL ID# 21672 P.B. 166; PG 460 D.B. 2007; D.P. 2538 ZONING: A1

WOODY - TYLER ROAD
 VICINITY MAP
 RIVER MAGISTERIAL DISTRICT
 MONTGOMERY COUNTY, VIRGINIA

DRAWN BY RLO
 DESIGNED BY RLO
 CHECKED BY SMS
 DATE 3-1-10
 SCALE 1" = 200'
 REVISIONS:





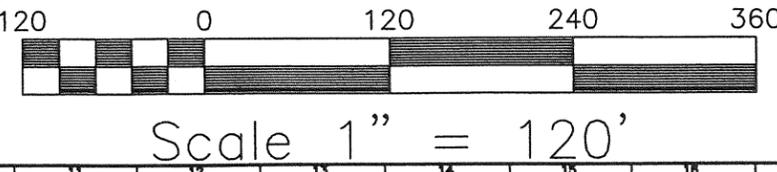
GENERAL NOTES

- TOTAL SITE AREA = 12.40± AC.
(INCLUDES 1.24 AC± OF FORMER MEADOW CREEK RIGHT-OF-WAY)
PARCEL #1=1.34 AC±
PARCEL #2=1.14 AC±
PARCEL #3=1.98 AC±
PARCEL #4=1.63 AC±
PARCEL #5=2.05 AC±
PARCEL #6=1.33 AC±
PARCEL #7=1.37 AC±
PARCEL #8=0.82 AC±
PROPOSED RIGHT-OF-WAY= 0.96 AC±
- PROPOSED ZONING:
GENERAL BUSINESS (RT. 177 CORRIDOR OVERLAY)= 11.44± AC
A. MINIMUM LOT SIZE-20,000 SF
B. MINIMUM LOT WIDTH - 75 FEET
C. MAX. LOT COVERAGE BY BUILDINGS & PAVED AREAS= 50% (5.72 AC)
60% (6.86 AC) IF SITE DESIGN COMPLIES WITH REQUIREMENTS OUTLINED IN SEC. 10-39 ROUTE 177 CORRIDOR OVERLAY DISTRICT MONTGOMERY COUNTY ZONING ORDINANCE.
LOT COVERAGE PROPOSED= 58% (6.603AC)
D. SETBACKS: FRONT- BUILDINGS OR STRUCTURES SHALL BE SET 40 FEET MIN. FROM R/W OF ANY CORRIDOR THOROUGHFARE OR CORRIDOR COLLECTOR AND 20' FEET MIN. FROM ANY OTHER R/W; PARKING SHALL BE SET A MIN. OF 20' FROM ANY R/W
SIDE & REAR- 20' MIN. FROM SIDE OR REAR PROPERTY LINES OR ADJACENT R/W; FOR USES ADJOINING A RESIDENTIAL ZONING DISTRICT THE MIN. DISTANCE SHALL BE 30'; NO BUILDINGS OR PARKING SHALL BE LOCATED IN ANY SIDE OR REAR YARD.
E. REQUIRED BUFFERS ARE IDENTIFIED BY THE MINIMUM WIDTH SPECIFIED BY THE MONTGOMERY COUNTY ZONING ORDINANCE FOR THE PARTICULAR TYPE AND USE. LANDSCAPE REQUIREMENTS HAVE NOT BEEN INDICATED FOR GRAPHICAL CLARITY, BUT SHALL COMPLY WITH MINIMUM REQUIREMENTS OUTLINED IN ARTICLE IV SECT. 10-43 OF THE ZONING ORDINANCE.
- SIDEWALKS SHOWN ON THE PLAN SHALL BE CONCRETE AND A MINIMUM OF 4' WIDE UNLESS OTHERWISE APPROVED BY THE MONTGOMERY COUNTY PLANNING DEPARTMENT. AS BUILDINGS ARE DEVELOPED, SIDEWALKS WHICH SERVE THAT BUILDING OR PHASE SHALL BE INSTALLED DURING THAT PHASE OF CONSTRUCTION.

GB (RT. 177 CORRIDOR OVERLAY) DISTRICT PROPOSED LOT IDENTIFICATION TABLE

	LOT #1	LOT #2
USE	LIMITED SERVICE RESTAURANT (4,800 SF)	FULL SERVICE RESTAURANT (4,700 SF)
PARKING REQ.'S	1 SP./40 SF-DINING AREA	1 SP./50 SF-DINING AREA
REQUIRED SPACES	83 SPACES	66 SPACES
SPACES ON-SITE	61 SPACES	65 SPACES
	LOT #3	LOT #4
USE	COMMERCIAL LODGING (86 ROOMS)	GAS W/GENERAL RETAIL (4,000 SF)
PARKING REQ.'S	1.1 SP./GUEST ROOM	4 SP./1000 SF
REQUIRED SPACES	81 SPACES	14 SPACES
SPACES ON-SITE	84 SPACES	52 SPACES
	LOT #5	LOT #6
USE	GENERAL RETAIL, GEN. OFFICE (14,400 SF)	FULL SERVICE RESTAURANT (4,000 SF)
PARKING REQ.'S	4 SP./1000 SF 4 SP./1000 SF	1 SP./50 SF-DINING AREA
REQUIRED SPACES	49 SPACES 49 SPACES	54 SPACES
SPACES ON-SITE	100 SPACES	41 SPACES
	LOT #7	LOT #8
USE	MEDICAL OFFICE (4,000 SF)	MEDICAL OFFICE (4,000 SF)
PARKING REQ.'S	8 SP./1st 5000 SF 3/1000 SF THEREAFTER	8 SP./1st 5000 SF 3/1000 SF THEREAFTER
REQUIRED SPACES	20 SPACES	24 SPACES
SPACES ON-SITE	30 SPACES	24 SPACES

- NOTES:
1. PARKING REQUIREMENTS FOR LOTS NORTH OF THE PROPOSED MEADOW CREEK ROAD RE-ALIGNMENT (#1-3) UTILIZE 15% REDUCTION FOR SHARED PARKING AND ACCESS.
2. PARKING REQUIREMENTS FOR LOTS SOUTH OF THE PROPOSED MEADOW CREEK ROAD RE-ALIGNMENT (#4-7) UTILIZE 15% REDUCTION FOR SHARED PARKING AND ACCESS.
3. PARKING REQUIREMENTS FOR LOT #8 ARE BASED UPON BASE ZONING STANDARDS FOR ITS DESIGNATED USE.



WOODY - TYLER ROAD
MASTER PLAN
RINER MAGISTERIAL DISTRICT
MONTGOMERY COUNTY, VIRGINIA

DRAWN BY RLO
DESIGNED BY RLO
CHECKED BY SMS
DATE 3-1-10
SCALE 1" = 120'
REVISIONS:

EXECUTIVE SUMMARY

This report summarizes the results of a revised traffic impact analysis completed for the proposed Woody Property Rezoning development. The subject site is generally located in the northeast quadrant of the Tyler Road/Meadowcreek Road intersection just south of I-81 exit 109 in Montgomery County, Virginia.

The applicant, Roger Woody, is seeking to rezone the approximately 12.4 acre site from Agriculture (A-1) to General Business. A traffic study was completed for the original rezoning of the Woody Property (7.2 acres) and was approved by VDOT in August 2009. The study was updated with the increase in traffic due to the revised rezoning.

The conclusions of this study are as follows:

1. All of the existing and background conclusions from the initial traffic study are still valid with this update.
2. The following roadway improvements are committed by the Woody Property project:
 - Realignment of Meadow Creek Road through the Wood Property project.
 - Construction of turn lanes at the site entrances as warranted.
3. With the changes to the Woody Property Rezoning, it is estimated that the project would add 588 new AM peak hour, 713 new PM peak hour, and 7,752 new daily new trips to the local roadway network.
4. In 2018, with development of Woody Property Rezoning only (no Tyler Road project, Emerald Investors, Inc project, or roundabout), each of the subject intersections would operate at acceptable levels of service with the exception of the westbound left-right approach to the Tyler Road/Meadowcreek Road intersection. Construction of a separate left turn lane with 100 feet of storage would be required to alleviate the queues at this intersection.



Radford

The "New River" City

March 23, 2010

Steve Sandy
Planning Director
Montgomery County
755 Roanoke Street, Suite 2A
Christiansburg, VA24073

RE: Rezoning RWW 36, LLC – Tyler Road

Dear Steve,

Radford City Planning Commission met March 15, 2010 and was provided the rezoning application for Mr. Roger Woody. The planning commission is in agreement that this development does meet the goals outlined in the 177 Corridor Agreements. We appreciate you providing us with the opportunity to comment.

If you have any further questions, please don't hesitate contacting me at 540.731.3603 or at mkelton@radford.va.us

Sincerely,

Melissa Skelton
Zoning Administrator

cc:
Radford City Council
David Ridpath, City Manager



**MONTGOMERY COUNTY
PUBLIC SERVICE AUTHORITY**

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

Gary D. Creed, Chair
James D. Politis, Vice-Chair
Mary W. Biggs, Secretary-Treasurer
Annette S. Perkins, Member
William H. Brown, Member
John A. Muffo, Member
Douglas W. Marrs, Member

Robert C. Fronk, PE
PSA Director

December 29, 2009

Mr. Steve Semones
Balzer Assc.
448 Peppers Ferry Road
Christiansburg, VA 24073

RE: Availability No. 09-86
Commercial Development
Tyler Road
Tax Map No. 104-4 27A, 40, 41, 42, 47, 88 & 89
Parcel ID 008938, 021673, 021674, 021674,
002244, 021672 & 021660
Water/Sewer

Dear Mr. Semones:

Public water and sanitary sewer may be available to this proposed commercial development along Tyler Road.

Public water service may be provided by a minimum 12-inch water main extension to a point adjacent to all lots from the end of the 8" water main near 2827 Barn Road adjoining the subject property. If adequate flow and/or pressure are not available from the above extension, a water main loop from the 8" water main near 2827 Barn Road to the 8" water main in front of 4279 Bains Chapel Road approximately 5,000 feet to the west of the subject property may be required to comply with PSA regulations. The hydraulic grade line of the water system is 2334 feet MSL. A pressure reducing valve would be required if the domestic water pressure exceeds 80 psi. A table providing facility fees per water meter size follows. Be advised that a separate fire service must be metered in accordance to PSA requirements. Also be advised that a separate fire service is billed a monthly rate based upon meter size. It is your responsibility to install the service lines from the meter to the building under the provisions of the plumbing code. The installation and maintenance of the pressure-reducing valve(s) shall be the owner's responsibility.

Public sewer may be provided by a public sewer main extension to a point adjacent to all lots from terminal sewer manhole BT-D-30 near 2827 Barn Road adjoining the subject property. This sewer main discharges into a public sanitary sewer pump station approximately 1,000 feet to the east of sewer manhole BT-D-30. ***In its current configuration this pump station has additional capacity for an average daily flow of 40,000 gallons per day.*** Several options are available to increase sewer capacity to the subject development such as upgrading the existing sewer pump station or possibly making connection to the sewer within the VDOT rest area to the west of the subject property. A table providing facility fees per water meter size follows. Be advised that this facility will discharge into a sewer system served by a public sewer pump station requiring a Sewer Pump Station Facility Fee.

Page Two
Mr. Steve Semones
December 29, 2009

A selection of water and sewer fees based upon water meter size is provided for your information:

<u>Water Meter Size</u>	<u>Water Facility Fee</u>	<u>Sewer Facility Fee</u>	<u>Sewer Pump Station Facility Fee</u>
5/8"	\$ 2,500.00	\$ 3,000.00	\$ 750.00
1"	\$ 6,250.00	\$ 7,500.00	\$ 1,875.00
1 1/2"	\$ 12,500.00	\$ 15,000.00	\$ 3,750.00
2"	\$ 20,000.00	\$ 24,000.00	\$ 6,000.00
3"	\$ 37,500.00	\$ 45,000.00	\$11,250.00

Please be advised that fire services are billed at a monthly rate according to the size of the service line. The fire service rates are as follows:

2" Meter/Service Line: \$32.00 / month 3" Meter/Service Line: \$60.00 / month
4" Meter/Service Line: \$100.00 / month 6" Meter/Service Line: \$200.00 / month

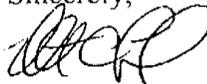
The water and sewer facilities must be designed to PSA standards by an engineer and approved by the PSA prior to construction. The owner would be responsible for the cost of the water main extension, any necessary water system appurtenances, sewer main extension, sewer pump station upgrade, public easements, 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 the applicable water and sewer facility fees for all units of the development would be required prior to approval of the site plan. The PSA must inspect the water and sewer laterals between the water meter and public sewer to the building. You should coordinate the inspection of these laterals with the PSA prior to installation.

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. **The currently available remaining sewer system capacity (November 2009) is 80,000 gallons per day (gpd).** Please be advised that there are several proposed projects in this area with total projected sewer demands in excess of the currently remaining sewer system capacity. The current PSA policy is that sewer capacity is only reserved by payment of the facility fee after PSA approval of site plans. Additional sewer system capacity is available and may be purchased if required.

If the owner wants to proceed with this service, please have your engineer contact me for details. ***This letter and stated fees are only valid to January 1, 2011.***

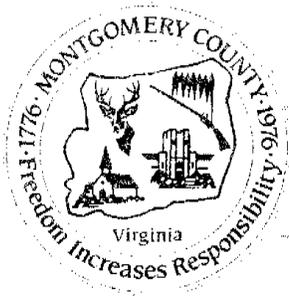
If you should have questions or need additional clarification of the above information, please call me at 381-1997.

Sincerely,



Robert C. Fronk, PE
PSA Director

cc: Montgomery County Planning & Zoning ✓



MONTGOMERY COUNTY PLANNING & GIS SERVICES

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

MEMORANDUM

TO: Planning Commission
FROM: Planning Department *JRM*
DATE: April 6, 2010
RE: **Preliminary Plat Approval for Brush Mountain West, Phase 11.**

Background – The proposed future site of Brush Mountain West, Phase 11 is located on the north side of Brush Mountain Rd. (SR 777) and on the western boundary of Fountain Mobile Home Park. The property is further described as being located on the south side of Pandapas Pond Road (US Rt. 460) 1000 feet east of the intersection with Autumn Lane. This parcel is identified as an 18 acre portion of Tax Parcel No. 27-A-40 (Account ID #016095) in the Mount Tabor Magisterial District (District F). The property currently lies in an area designated as Residential Transition in the Comprehensive Plan.

The subdivision will consist of eight (8) lots on 17.935 acres served by public roads to be maintained by Virginia Department of Transportation and private onsite water and sewer to be provided by private on-site sewage disposal systems. The property was rezoned to Rural Residential (R-R) in 2006 with five (5) proffered conditions. The subdivision must comply with Virginia Department of Transportation's (VDOT) Secondary Street Acceptance Requirements (SSAR), as a site plan was not proffered with the 2006 rezoning, and therefore the subdivision was not grandfathered and will be subject to VDOT's current regulations. The current VDOT SSAR regulations require connectivity of street networks. However, due to the proffered conditions which prohibits connection to US 460 the applicant would appear to have justification to request an exception from VDOT. VDOT has been in contact with the applicant and the applicant will need to work through the process with VDOT in order to gain exemption from the VDOT SSAR regulations adopted July 2009.

Developer – Brush Mountain Estates, LLC
Consultant – Draper Aden Associates
PC Site Visit – March 17, 2010

Draft Resolution – At the time this report was issued no comments had been received by VDOT. Therefore, as issues with VDOT must still be resolved the commission may want to consider tabling the request for Preliminary Plat approval of Brush Mountain West, Phase 11 (Draper Aden and Associates, Job No. 7557-01 dated January 3, 2008) until such time as complete information is available.

Brush Mountain West, Phase 11 Staff Report

At such time as all information is available for review by the commission, staff recommends Preliminary Plat approval of Brush Mountain West, Phase 11 subject to the following conditions:

1. The Virginia Department of Transportation (VDOT) shall review and approve the proposed streets and any associated drainage plans.
2. The Virginia Department of Health shall review and approve all proposed on site well and sewage disposal systems.
3. The County Engineer shall review and approve the erosion & sediment control plans.
4. The County Attorney shall review and approve any private covenants and deed restrictions and storm water maintenance facilities. (See Proffer #5).
5. The five (5) conditions proffered in Ordinance FY-06-25 shall be met.
6. All remaining items on the attached Subdivision Application Report dated March 23, 2010 shall be addressed.

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

Attachments: Preliminary Plat dated January 3, 2008
Subdivision Application Report dated March 23, 2010
Board of Supervisors Ordinance FY-06-25

Montgomery County, Virginia
SUBDIVISION APPLICATION REPORT

3/23/2010

Subdivision Application Number: MAJ-2010-00460

Applicant Name: BRUSH MOUNTAIN ESTATES LLC

Applicant Address: 3344 ABSALOM SMITH Road SALEMVA

Subdivision Name: BRUSH MOUNTAIN ESTATES

Job ID: 7557-01

Parcel ID: 016095 **Tax Map Number:** 027- A 40

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
Note and title bar identify as 'Major Subdivision'	PLEASE DELINEATE SUBDIVISION TYPE IN TITLE BLOCK.
-----Name and address of chief officer (if legal owner is a corporation, then provide name and address of chief officer of the corporation)	PLEASE PROVIDE NAME OF CHIEF OFFICER OF BRUSH MTN ESTATES LLC ON NOTE # 1 IN ADDITION TO OWNER STATEMENT.
Note identifying tax parcel map number and parcel ID number	PLEASE ADD PARCEL ID NUMBER TO NOTE #18.

Plat Design and Arrangement:

Checklist Item	Comments
Location of building setback lines shown	PLEASE DELINEATE SIDE SETBACK LINES.
Table listing acreage and frontage of each lot shown	PLEASE PROVIDE TABLE.

Floodplains:

Checklist Item	Comments
Note identifying flood zone and applicable Flood Insurance Rate Map	PLEASE PROVIDE FLOOD ZONE AND FLOOD INSURANCE RATE MAP IN ADDITION TO INFORMATION PROVIDED IN NOTE #19.

Water:

Checklist Item	Comments
Proposed well locations shown	PLEASE DELINEATE PROPOSED WELL LOCATIONS.

Sewer:

Checklist Item	Comments
VDH approval for each individual lot (unless exempted by 8-153b)	
----- VDH septic system permit numbers for each lot shown	
----- Location of VDH approved drain fields and reserve areas for each lot shown	
----- Location of any drain field/reserve area easements on adjoining properties shown	
Private soil evaluations for each individual lot (unless exempted by 8-153b)	PLEASE PROVIDE SOILS INFORMATION.
VDH Subdivision Approval Letter (documentation) for private soil evaluations	
Location of approved drain fields and reserve areas for each lot shown	

Streets:

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

Plat Statements:

Checklist Item	Comments
Conforming statement signed by surveyor/engineer	PLEASE REMOVE SIGNATURE LINE FOR BRUSH MTN ESTATES LLC UNDER CONFORMING STATEMENT. THIS STATEMENT SHOULD BE SIGNED BY SURVEYOR/ENGINEER PREPARING THE PLAT.
Approving Statement to be signed by Board of Supervisors, Planning Commission, County Engineer and Subdivision Agent	PLEASE PROVIDE SIGNATURE LINE FOR COUNTY ENGINEER

Additional Comments:

VDOT HAS PRELIMINARILY STATED THAT THERE ARE 2 POTENTIAL ISSUES WITH THIS PROPOSAL 1-THERE MAY NOT BE ADEQUATE SIGHT DISTANCE FROM THE SITE AND 2-THE PROPOSAL DOES NOT MEET THE SSAR CONNECTIVITY INDEX; HOWEVER AN EXEMPTION MAY BE REQUESTED FROM VDOT DUE T PLEASE INCLUDE PROFFERS ON NOTE #5.
PLEASE PROVIDE COVENANTS AND RESTRICTIONS IN ACCORDANCE W. PROFFER #5.
PLEASE ADD ADDRESSES TO PLAT; EITHER ON EACH LOT ON IN A TABLE.

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

Sincerely,


Steve Sandy
Subdivision Agent

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MONTGOMERY, VIRGINIA HELD ON THE 12th DAY OF JUNE 2006 AT 6:00 P.M.
IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755
ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

ORD-FY-06-25
AN ORDINANCE AMENDING THE ZONING
CLASSIFICATION OF APPROXIMATELY 15.82 ACRES
IN THE MT. TABOR MAGISTERIAL DISTRICT
LOCATED ON THE NORTH SIDE OF BRUSH MOUNTAIN ROAD (SR 777)
AND ON THE EASTERN BOUNDARY OF BRUSH MOUNTAIN WEST PHASE 2,
IDENTIFIED AS A PART OF TAX MAP PARCEL NO. 27-A-40, PARCEL ID# 016095
FROM AGRICULTURE (A-1) TO RURAL RESIDENTIAL (R-R)
BRUSH MOUNTAIN ESTATES, LLC

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT ORDAINED By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of **15.82** acres of a 156.0838 acre tract of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to Rural Residential (R-R) with the following proffered conditions:

1. VDOT requirement for sight distance shall be met.
2. Each drainfield shall be located on the lot they serve.
3. There shall be a setback requirement of forty feet for the lots adjacent to Route 460 ROW Maximum allowable road grade shall be 16%.
4. No entrances on Route 460.
5. Private covenants and restrictions shall be put in place requiring a minimum area of thirty (30) feet from dwellings be cleared of trees for Wildfire Mitigation.

This action was commenced upon the application of Brush Mountain Estates, LLC. (Agent: Draper Aden Associates).

The property is located on the north side of Brush Mountain Road (SR 777) and on the eastern boundary of Brush Mountain West Phase 2. The property is further described as being located on the south side of Pandapas Pond Road (US Rte. 460) east of the intersection with Autumn Lane. This parcel is identified as a separate and distinct part of Tax Parcel No. 27-A-40 (Acct ID # 016095) in the Mount Tabor Magisterial District (District F). The property currently lies in an area designated as Residential Transition in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Doug Marrs
Annette S. Perkins		
Gary D. Creed		
James D. Politis		
Mary W. Biggs		
Steve L. Spradlin		

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



Draper Aden Associates
 Engineering • Surveying • Environmental Services

Richmond, VA
 Charlottesville, VA
 Hampton Roads, VA

Blacksburg, VA
 2206 South Main Street
 Blacksburg, VA 24060
 540-552-9444 Fax: 540-552-0291
 www.dad.com



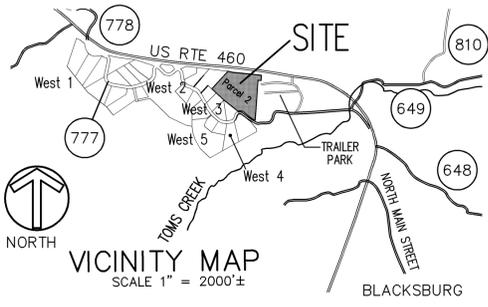
FINAL SUBDIVISION PLAT
BRUSH MOUNTAIN WEST, PHASE 11
 MT TABOR MAGISTERIAL DISTRICT, MONTGOMERY COUNTY, VIRGINIA

REVISIONS

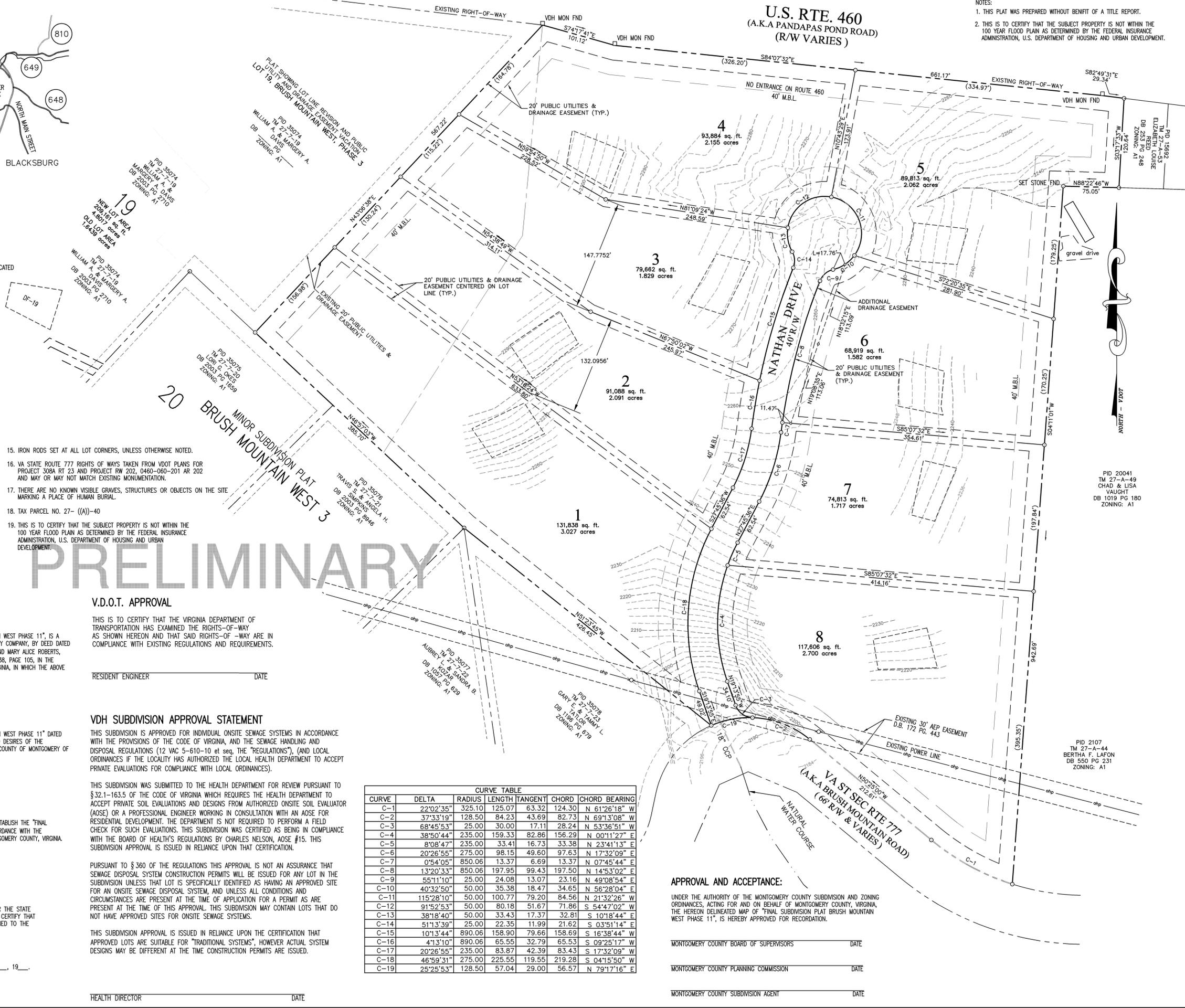
DESIGNED BY: RMH
 DRAWN BY: DLD
 CHECKED BY: LWK
 SCALE: 1" = 60'
 DATE: 01/03/08
 PROJECT NUMBER:
7557-01
SHEET
 1 OF 1

NOTES:
 1. THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT.
 2. THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT WITHIN THE 100 YEAR FLOOD PLAIN AS DETERMINED BY THE FEDERAL INSURANCE ADMINISTRATION, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

U.S. RTE. 460
(A.K.A PANDAPAS POND ROAD)
(R/W VARIES)



- NOTES:**
- OWNERS / SUB DIVIDER
 BRUSH MOUNTAIN ESTATES, L.L.C.
 C/O CENTURY 21 UNIVERSITY REALTY
 360 ARBOR DRIVE NE
 CHRISTIANSBURG, VIRGINIA 24073
 - SURVEYOR
 DRAPER ADEN ASSOCIATES, INC.
 2206 SOUTH MAIN ST.
 BLACKSBURG, VA. 24060
 - WATER AND SEWER SHALL BE INDIVIDUAL WELLS AND SEPTIC DRAINFIELDS LOCATED ON THE LOT THAT THEY SERVE. ALL WELLS TO BE TYPE IIB
 - MINIMUM YARD REQUIREMENTS:
 FRONT = 40'
 SIDE = 15'
 REAR = 40'
 RTE 460 R/W = 40'
 A MINIMUM AREA OF THIRTY (30) FEET FROM DWELLINGS IS TO BE CLEARED OF TREES FOR WILDLIFE MITIGATION.
 - ZONING:
 CURRENT: RURAL RESIDENTIAL (R-R)
 ORDINANCE NO. ORD-FY-06-25.
 - LOT REQUIREMENTS:
 MINIMUM WIDTH = 120' AT THE SETBACK LINE OF FRONT YARD
 MINIMUM LOT AREA = 1.5 ACRES
 MAXIMUM LOT COVERAGE = 10% OF GROSS SITE AREA
 AVERAGE LOT SIZE = 2.145 ACRES
 - TOTAL NUMBER OF UNITS: 8
 - 20' PUBLIC UTILITIES AND DRAINAGE EASEMENTS TO BE DEDICATED CENTERED ALONG ALL INTERIOR PROPERTY LINES AND INTERIOR TO ALL EXTERIOR PROPERTY LINES.
 - ALL LOTS ARE SUBJECT TO SLOPE EASEMENTS FOR THE CONSTRUCTION OF STREETS. ALL LOTS MUST ESTABLISH ENTRANCE OFF INTERIOR STREET. ENTRANCES WILL NOT BE ALLOWED OFF RTE 460.
 - TOTAL AREA SUBDIVIDED: 17,935 ACRES
 AREA OF RIGHT OF WAY DEDICATED BY THIS PLAT: 0.772 ACRES
 - SEE DRAINFIELD SUMMARY PREPARED BY SOIL AND ENVIRONMENTAL TECHNOLOGY, INC. (SETEC) FOR BRUSH MOUNTAIN WEST.
 - ALL WELLS TO BE TYPE IIB
 (W) - WELL LOCATION
 (O) - DENOTES IRON ROD TO BE SET.
 - SINCE ALL LOTS ARE SERVED BY INDIVIDUAL WELLS AND SEPTIC SYSTEMS, MONTGOMERY COUNTY AND THE MONTGOMERY COUNTY PUBLIC SERVICE AUTHORITY HAVE NO RESPONSIBILITY FOR PROVIDING PUBLIC WATER OR SEWER TO THIS SUBDIVISION.



- IRON RODS SET AT ALL LOT CORNERS, UNLESS OTHERWISE NOTED.
- VA STATE ROUTE 777 RIGHTS OF WAYS TAKEN FROM VDOT PLANS FOR PROJECT 308A RT 23 AND PROJECT RW 202, 0460-060-201 AR 202 AND MAY OR MAY NOT MATCH EXISTING MONUMENTATION.
- THERE ARE NO KNOWN VISIBLE GRAVES, STRUCTURES OR OBJECTS ON THE SITE MARKING A PLACE OF HUMAN BURIAL.
- TAX PARCEL NO. 27--((A))--40
- THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT WITHIN THE 100 YEAR FLOOD PLAIN AS DETERMINED BY THE FEDERAL INSURANCE ADMINISTRATION, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

PRELIMINARY

V.D.O.T. APPROVAL

THIS IS TO CERTIFY THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION HAS EXAMINED THE RIGHTS-OF-WAY AS SHOWN HEREON AND THAT SAID RIGHTS-OF-WAY ARE IN COMPLIANCE WITH EXISTING REGULATIONS AND REQUIREMENTS.

RESIDENT ENGINEER _____ DATE _____

VDH SUBDIVISION APPROVAL STATEMENT

THIS SUBDIVISION IS APPROVED FOR INDIVIDUAL ONSITE SEWAGE SYSTEMS IN ACCORDANCE WITH THE PROVISIONS OF THE CODE OF VIRGINIA, AND THE SEWAGE HANDLING AND DISPOSAL REGULATIONS (12 VAC 5-610-10 et seq, THE "REGULATIONS"), (AND LOCAL ORDINANCES IF THE LOCALITY HAS AUTHORIZED THE LOCAL HEALTH DEPARTMENT TO ACCEPT PRIVATE EVALUATIONS FOR COMPLIANCE WITH LOCAL ORDINANCES).

THIS SUBDIVISION WAS SUBMITTED TO THE HEALTH DEPARTMENT FOR REVIEW PURSUANT TO §32.1-163.5 OF THE CODE OF VIRGINIA WHICH REQUIRES THE HEALTH DEPARTMENT TO ACCEPT PRIVATE SOIL EVALUATIONS AND DESIGNS FROM AUTHORIZED ONSITE SOIL EVALUATOR (AOSE) OR A PROFESSIONAL ENGINEER WORKING IN CONSULTATION WITH AN AOSE FOR RESIDENTIAL DEVELOPMENT. THE DEPARTMENT IS NOT REQUIRED TO PERFORM A FIELD CHECK FOR SUCH EVALUATIONS. THIS SUBDIVISION WAS CERTIFIED AS BEING IN COMPLIANCE WITH THE BOARD OF HEALTH'S REGULATIONS BY CHARLES NELSON, AOSE #15. THIS SUBDIVISION APPROVAL IS ISSUED IN RELIANCE UPON THAT CERTIFICATION.

PURSUANT TO § 360 OF THE REGULATIONS THIS APPROVAL IS NOT AN ASSURANCE THAT SEWAGE DISPOSAL SYSTEM CONSTRUCTION PERMITS WILL BE ISSUED FOR ANY LOT IN THE SUBDIVISION UNLESS THAT LOT IS SPECIFICALLY IDENTIFIED AS HAVING AN APPROVED SITE FOR AN ONSITE SEWAGE DISPOSAL SYSTEM, AND UNLESS ALL CONDITIONS AND CIRCUMSTANCES ARE PRESENT AT THE TIME OF APPLICATION FOR A PERMIT AS ARE PRESENT AT THE TIME OF THIS APPROVAL. THIS SUBDIVISION MAY CONTAIN LOTS THAT DO NOT HAVE APPROVED SITES FOR ONSITE SEWAGE SYSTEMS.

THIS SUBDIVISION APPROVAL IS ISSUED IN RELIANCE UPON THE CERTIFICATION THAT APPROVED LOTS ARE SUITABLE FOR "TRADITIONAL SYSTEMS", HOWEVER ACTUAL SYSTEM DESIGNS MAY BE DIFFERENT AT THE TIME CONSTRUCTION PERMITS ARE ISSUED.

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
C-1	22°02'35"	325.10	125.07	63.32	124.30	N 61°26'18" W
C-2	37°33'19"	128.50	84.23	43.69	82.73	N 69°13'08" W
C-3	68°45'53"	25.00	30.00	17.11	28.24	N 00°11'27" E
C-4	38°50'44"	235.00	159.33	82.86	156.29	N 00°11'27" E
C-5	8°08'47"	235.00	33.41	16.73	33.38	N 23°41'13" E
C-6	20°26'55"	275.00	98.15	49.60	97.63	N 17°32'09" E
C-7	0°54'05"	850.06	13.37	6.69	13.37	N 07°45'44" E
C-8	13°20'33"	850.06	197.95	99.43	197.50	N 14°53'02" E
C-9	55°11'10"	25.00	24.08	13.07	23.16	N 49°08'54" E
C-10	40°32'50"	50.00	35.38	18.47	34.65	N 56°28'04" E
C-11	115°28'10"	50.00	100.77	79.20	84.56	N 21°32'26" W
C-12	91°52'53"	50.00	80.18	51.67	71.86	S 54°47'02" W
C-13	38°18'40"	50.00	33.43	17.37	32.81	S 10°18'44" E
C-14	51°13'39"	25.00	22.35	11.99	21.62	S 03°51'14" E
C-15	10°13'44"	890.06	158.90	79.66	158.69	S 16°38'44" W
C-16	4°13'10"	890.06	65.55	32.79	65.53	S 09°25'17" W
C-17	20°26'55"	235.00	83.87	42.39	83.43	S 17°32'09" W
C-18	46°59'31"	275.00	225.55	119.55	219.28	S 04°15'50" W
C-19	25°25'53"	128.50	57.04	29.00	56.57	N 79°17'16" E

APPROVAL AND ACCEPTANCE:

UNDER THE AUTHORITY OF THE MONTGOMERY COUNTY SUBDIVISION AND ZONING ORDINANCES, ACTING FOR AND ON BEHALF OF MONTGOMERY COUNTY, VIRGINIA, THE HEREOF DELINEATED MAP OF "FINAL SUBDIVISION PLAT BRUSH MOUNTAIN WEST PHASE 11", IS HEREBY APPROVED FOR RECORDATION.

MONTGOMERY COUNTY BOARD OF SUPERVISORS _____ DATE _____
 MONTGOMERY COUNTY PLANNING COMMISSION _____ DATE _____
 MONTGOMERY COUNTY SUBDIVISION AGENT _____ DATE _____

SOURCE OF TITLE:

THIS IS TO CERTIFY THAT THE HEREOF SHOWN "FINAL SUBDIVISION PLAT BRUSH MOUNTAIN WEST PHASE 11", IS A PORTION OF THAT SAME LAND ACQUIRED BY BRUSH MOUNTAIN ESTATES, A LIMITED LIABILITY COMPANY, BY DEED DATED 3 AUGUST, 2000, FROM GORDON M. ROBERTS, JR. (o/k/a GORDON M. ROBERTS, II) AND MARY ALICE ROBERTS, HUSBAND AND WIFE, AND HARVEY FAMILY PARTNERSHIP #1, RECORDED IN DEED BOOK 1138, PAGE 105, IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF MONTGOMERY COUNTY, CHRISTIANSBURG, VIRGINIA, IN WHICH THE ABOVE REFERRED TO DEED IS THE LAST INSTRUMENT IN THE CHAIN OF TITLE TO SAID LAND.

LOREN W. KNIGHTING, C.L.S. 1460 _____ DATE _____

OWNERS STATEMENT:

THIS IS TO CERTIFY THAT THE HEREOF SHOWN "FINAL SUBDIVISION PLAT BRUSH MOUNTAIN WEST PHASE 11" DATED 03 JANUARY, 2008, HAS BEEN PREPARED IN STRICT ACCORDANCE WITH THE WISHES AND DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS THEREOF, AND THAT THE DEDICATION TO THE COUNTY OF MONTGOMERY OF THE EASEMENTS AND RIGHT-OF-WAY AS SHOWN HEREON IS HEREBY MADE.

BRUSH MOUNTAIN ESTATES, L.L.C. -- DEON R. SMITH, MANAGER _____ DATE _____

CONFORMING STATEMENT:

THIS IS TO CERTIFY THAT THE UNDERSIGNED OWNERS AND PROPRIETORS PROPOSE TO ESTABLISH THE "FINAL SUBDIVISION PLAT BRUSH MOUNTAIN WEST PHASE 11" DATED 03 JANUARY, 2008, IN ACCORDANCE WITH THE REQUIREMENTS AND PROVISIONS OF THE SUBDIVISION AND ZONING ORDINANCES OF MONTGOMERY COUNTY, VIRGINIA.

BRUSH MOUNTAIN ESTATES, L.L.C. -- DEON R. SMITH, MANAGER _____ DATE _____

STATE OF _____, TO WIT: _____

I, _____ A NOTARY PUBLIC IN AND FOR THE STATE OF _____, CITY/COUNTY OF _____ DO HEREBY CERTIFY THAT DEON R. SMITH, MANAGER, BRUSH MOUNTAIN ESTATES, L.L.C., WHOSE NAME IS SIGNED TO THE FORGOING WRITINGS, HAS APPEARED BEFORE ME AND ACKNOWLEDGED THE SAME.

MY COMMISSION EXPIRES _____
 GIVEN UNDER MY HAND ON THIS THE _____ DAY OF _____, 19____.

NOTARY PUBLIC _____

HEALTH DIRECTOR _____ DATE _____