

MONTGOMERY COUNTY PLANNING COMMISSION  
July 15, 2009

SITE VISIT AGENDA

4:00 PM Depart Government Center

4:15 PM **SE Intersection of Tyler Road & Meadow Creek Road**  
A request by Roger Woody (**Agent: Balzer & Associates**) for rezoning of approximately 6.0184 acres from Agriculture (A1) to General Business (GB), with possible proffered conditions, to allow retail sales and commercial offices. In addition, a special use permit is requested to allow a convenience store with motor fuel sales. The property 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(s). 104-4-47 (Acct Nos. 002244), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan and Planned Commercial in the Route 177 Corridor Plan.

5:15 PM Dinner @ Amelia's (Christiansburg)

**MONTGOMERY COUNTY PLANNING COMMISSION**  
**July 15, 2009 @ 7:00 P.M.**  
**Board Room, Government Center**

**AGENDA**

**CALL TO ORDER:**

**DETERMINATION OF A QUORUM:**

**PUBLIC ADDRESS:**

**APPROVAL OF AGENDA:**

**APPROVAL OF CONSENT AGENDA:**

**PUBLIC HEARING:**

1. A request by **Emerald Investors, Inc (Agent: Balzer & Associates)** for rezoning of approximately 9.44 acres from Agriculture (A1) to General Business (GB), with possible proffered conditions, to allow retail sales and commercial offices. In addition, a special use permit is requested to allow a convenience store with motor fuel sales. The property is located approximately 500 ft. southwest of the I-81 Exit 109 and Tyler Road intersection, 2843 Tyler Road, identified as Tax Parcel No(s). 104-A-30 (Acct Nos. 011606), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan and Planned Commercial in the Route 177 Corridor Plan.
  - a. Staff Presentation (Kevin Byrd)
  - b. Applicant Presentation
  - c. Public Comment
  - d. Discussion/Action

**OLD BUSINESS:**

1. A request by **S&P of Virginia, LLC (Agent: Balzer & Associates)** for rezoning of approximately 21.13 acres from Agriculture (A1) to General Business (GB) and 14.19 acres from Agriculture (A1) to Residential (R3), with possible proffered conditions, to allow various commercial uses and single family residential dwellings. In addition, a special use permit is requested in the General Business (GB) district to allow a convenience store with motor fuel sales. The property is located on the Southwest corner of the I-81, Exit 109 and Tyler Road (Rte. 600) intersection, 2735 Tyler Road, identified as Tax Parcel No(s). 104-A-32, 32A, 33 and 104-7-A, (Acct Nos. 018647, 011957, 019186, 023358), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan and further designated as Planned Commercial and Planned Unit Residential in the Route 177 Corridor Plan with a maximum density of four (4) dwelling units per acre. (Kevin Byrd)
2. A request by **William E. & Susan McGann Osborne (Agent: Gay & Neel, Inc.)** for a Special Use Permit (SUP) on approximately 3.385 acres in an Agriculture (A1) zoning district to allow contractor's storage yard. The property is located at 1806 Brookfield Road, and is identified as Tax Parcel No(s). 52-3-2C and a portion of 52-3-2D (Acct Nos. 013253, 011315), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Rural in the Comprehensive Plan. (Kevin Byrd)
3. Ordinance Amendment Regarding Agricultural Uses & Definitions (Dari Jenkins)

**MONTGOMERY COUNTY PLANNING COMMISSION  
CONSENT AGENDA  
July 15, 2009**

**A. APPROVAL OF MINUTES**

- June 10, 2009

**ISSUE/PURPOSE:**

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

**B. SCHEDULE PUBLIC HEARINGS**

1. A request by Roger Woody (**Agent: Balzer & Associates**) for rezoning of approximately 6.0184 acres from Agriculture (A1) to General Business (GB), with possible proffered conditions, to allow retail sales and commercial offices. In addition, a special use permit is requested to allow a convenience store with motor fuel sales. The property 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(s). 104-4-47 (Acct Nos. 002244), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan and Planned Commercial in the Route 177 Corridor Plan.

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON JUNE 10, 2009 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

**CALL TO ORDER:**

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

Present: Robert Miller, Chair  
Walt Haynes, Vice Chair  
Bryan Rice, Member  
John Tuttle, Member  
Ryan Thum, Member  
David Moore, Member  
Malvin Wells, Member  
John Muffo, Board of Supervisors Liaison  
Steve Sandy, Planning Director  
Dari Jenkins, Planning & Zoning Administrator  
Brea Hopkins, Zoning Technician  
Jamie MacLean, Development Planner  
Kevin Byrd, Comprehensive Planner  
Marty McMahan, County Attorney

Absent: William Seitz, Secretary  
Frank Lau, Member

Mr. Miller introduced and welcomed two new members, John Tuttle and Ryan Thum.

**PUBLIC ADDRESS:**

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

**APPROVAL OF AGENDA:**

On a motion by Mr. Haynes, seconded by Mr. Rice, and unanimously carried the agenda was approved as amended with Bedford Falls being postponed until after S&P of Virginia, LLC public hearing.

**APPROVAL OF CONSENT AGENDA:**

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

**PUBLIC HEARING:**

A request by S&P of Virginia, LLC (Agent: Balzer & Associates) for rezoning of approximately 21.13 acres from Agriculture (A1) to General Business (GB) and 14.19 acres from Agriculture (A1) to Residential (R3), with possible proffered conditions, to allow various commercial uses and single family residential dwellings. In addition, a special use permit is requested in the General Business (GB) district to allow a convenience store with motor fuel sales. The property is located on the Southwest corner of the I-81, Exit 109 and Tyler Road (Rte. 600) intersection, 2735 Tyler Road, identified as Tax Parcel No(s). 104-A-32, 32A, 33 and 104-7-A, (Acct Nos. 018647, 011957, 019186, 023358), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the

Mr. Semones noted that proffers regarding the type of housing, driveways, etc. have not been submitted; however, it may be possible to have a proffer that a review board will be established to assist with those types of issues.

Mr. Fronk, PSA stated he was concerned with sewer capacity issues especially with the possibility of multiple developments. The PSA is currently in communication with the City of Radford and discussing alternatives to address the concerns.

There being no further comments the public hearing was closed.

On a motion by Mr. Moore, seconded by Mr. Haynes and unanimously carried the planning commission tabled the rezoning and special use permit request by S&P of Virginia, LLC (Agent: Balzer & Associates) until the July meeting in order to allow the applicant additional time to address VDOT comments, sewer concerns, and explore traffic calming options for the proposed residential area.

A request by Bedford Falls Company for rezoning of approximately 0.923 acres from General Business (GB) to Residential (R3), with possible proffered conditions. The property is located at 1517 Fire Tower Road (Rte. 600), identified as Tax Parcel No. 90-A-29A, (Acct No. 020005), in the Riner Magisterial District. The property currently lies in an area designated as Medium Density Residential & Civic in the Plum Creek Village Plan in the Comprehensive Plan with a maximum density of two (2) dwelling units per acre.

Mr. Miller introduced the request.

Mrs. MacLean stated the request was to rezone property from General Business (GB) to Residential (R3). She reviewed the maps, photos and video of the property. The property is designated as Medium Density Residential and Civic in the Plum Creek Village plan. The property is currently used as a residential property. A single family dwelling is not permitted by right or by special use permit in the General Business zoning district making the use nonconforming. This prohibits selling the home since replacement would not be allowed in the event of a fire or damage. Repairs, restoration, and/or maintenance are limited to 50% of the current replacement value. The property is served by public water and sewer. If the rezoning is approved it will become part of an existing Residential (R3) district.

Mr. Miller opened the public hearing.

Mr. Dawson, owner noted he was reluctant to add proffers to the request because he wanted to ensure that it would not limit the development potential of the property.

There being no further comments the public hearing was closed.

On a motion by Mr. Rice, seconded by Mr. Wells and carried by a 7-0 vote (Seitz and Lau absent), the Planning Commission recommended approval of the request by Bedford Falls Company for rezoning of approximately 0.923 acres from General Business (GB) to Residential (R3).

Mr. Haynes departed the meeting.

An Ordinance amending Chapter 10 entitled Zoning, Section 10-41(2), Accessory Dwellings of the Code of the County of Montgomery, Virginia by amending when accessory dwellings are permitted structures in the Agricultural (A-1) and Conservation (C-1) zoning districts.

Mr. Miller introduced the proposed ordinance amendment.

Ms. Jenkins discussed the following proposed amendments to Section 10-41(2) Accessory Dwellings:

Mr. Miller opened the public hearing; however, there being no speakers the public hearing was closed.

On a motion by Mr. Moore, seconded by Rice and unanimously carried (Haynes, Seitz and Lau absent) the planning commission recommended approval of the Ordinance amending Chapter 10 entitled Zoning, Section 10-41(2), Accessory Dwellings of the Code of the County of Montgomery, Virginia by amending when accessory dwellings are permitted structures in the Agricultural (A-1) and Conservation (C-1) zoning districts with the following revision:

1. The accessory dwelling and principal dwelling shall be located on a parcel not less than two and one-half (2 ½) acres.

An Ordinance amending Chapter 10 entitled Zoning, Section 10-38, Airport Safety Overlay District (ASO) of the Code of the County of Montgomery, VA by incorporating a map and terms defining the Airport Overlay Boundaries and by creating a notification area whereby the airport will be notified of proposed construction within the notification area.

Ms. Jenkins stated a revision was necessary to incorporate a map and terms defining the Airport Overlay boundaries in order to comply with FAA requirements.

Mr. Michael St. Jean, Director Virginia Tech Montgomery Executive Airport, discussed the proposed master plan. The master plan was updated in 2008 and incorporates a runway extension. If development is proposed within a notification area the FAA and Dept. of Aviation are given an opportunity to review the proposal and issue any comments regarding the impact of the proposed development on the airport and its' airspace.

Mr. Moore asked if there was a map showing existing penetration sites.

Mr. St. Jean, stated there were several sites such as Prices Mountain, High Knob, and other various terrain issues. In those areas additional development higher than the existing penetration zones would not be desired.

Mr. Dan McKinney, Campbell Paris Engineers, stated the goal of the airport is to formalize the notification agreement and not create additional approach issues. Towers, turbines, etc. are the main issues of concern. Development may be limited but construction dwellings would still be allowed.

Mr. Miller opened the public hearing; however, there being no comments the hearing was closed.

On a motion by Mr. Rice, seconded by Mr. Thum, and unanimously carried (Haynes, Seitz and Lau absent) recommended approval of the Ordinance amending Chapter 10 entitled Zoning, Section 10-38, Airport Safety Overlay District (ASO) of the Code of the County of Montgomery, VA by incorporating a map and terms defining the Airport Overlay Boundaries and by creating a notification area whereby the airport will be notified of proposed construction within the notification area.

An Ordinance amending Chapter 10 entitled Zoning, Sections 10-37, Flood Damage Prevention Overlay, of the Code of the County of Montgomery, VA by amending the flood damage prevention overlay by incorporating the new flood insurance study and flood insurance rate map for Montgomery County and by amending the qualifying regulated lands and the use limitations within those regulated lands and by adding a section of defined terms in the Flood Damage Prevention Overlay.

Ms. Jenkins stated an ordinance revision was necessary to meet FEMA requirements prior to the adoption of the new floodplain mapping. She discussed the proposed changes.

Mr. Miller opened the hearing; however, there being no comments the public hearing was closed.

None

**LIAISON REPORTS:**

Board of Supervisors

Mr. Muffo reported that the board is interviewing for the county administrator position.

Agriculture & Forestal District

No report.

Blacksburg Planning Commission

No report.

Christiansburg Planning Commission

Mr. Rice stated the Christiansburg Planning Commission is working on a proposed rezoning along county border near Route 114, however, the request was denied by council.

Economic Development Committee

Mr. Moore reported that Brian Hamilton was hired as Economic Development Director.

Public Service Authority

Mr. Wells stated the PSA held a meeting regarding maintenance to the north bound rest area, if closed.

Parks & Recreation

A workshop was held regarding the master plan.

Radford Planning Commission

Mr. Miller stated he attended the last meeting and invited the City of Radford Commission members and staff to attend the meeting regarding new development along 177 corridor.

School Board- Bill Seitz

No report.

Transportation Safety Committee- Malvin Wells

Mr. Wells stated VDOT does not have a policy or procedure for closing rest areas. The North bound exit 109 rest area will be barricaded.

Planning Director's Report

Mr. Sandy noted the June 17<sup>th</sup> meeting would be cancelled.

There being no further business, the meeting was adjourned at 9:10 pm.



MONTGOMERY COUNTY  
PLANNING & GIS SERVICES

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

**MEMORANDUM**

TO: Planning Commission  
FROM: Planning Staff **KB**  
DATE: July 8, 2009  
RE: **Staff Analysis (RZ-2009-06878)**

A request by **Emerald Investors, Inc.** (Agent: Balzer and Associates) for rezoning of approximately 9.44 acres from Agriculture (A-1) to General Business (GB), with possible proffered conditions, to allow retail sales and commercial offices. In addition, a special use permit is requested to allow a convenience store with motor fuel sales. The property is located approximately 500 ft. southwest of the I-81 Exit 109 and Tyler Road intersection, 2843 Tyler Road, identified as Tax Parcel No(s). 104-A-30 (Acct Nos. 011606), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan and Planned Commercial in the Route 177 Corridor Plan.

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**I. Nature of Request**

A request by Emerald Investors, Inc. (Agent: Balzer and Associates) for rezoning of approximately 9.44 acres from Agriculture (A-1) to General Business (GB), with possible proffered conditions, to allow retail sales and commercial offices. In addition, a special use permit is requested to allow a convenience store with motor fuel sales.

**II. Location**

The property is located approximately 500 ft. southwest of the I-81 Exit 109 and Tyler Road intersection, 2843 Tyler Road, identified as Tax Parcel No(s). 104-A-30 (Acct Nos. 011606), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan and Planned Commercial in the Route 177 Corridor Plan.

to the south and potentially parcels to the west beyond phase II. This potential road connection could help to increase connectivity between parcels and limit future intersections with Tyler Road.

VDOT has a new set of regulations pertaining to Access Management going into effect on October 1st, 2009. The applicant is seeking approval of a proffered concept plan prior to this date due to entrance spacing.

### **Traffic Impact Analysis (TIA)**

The applicant submitted a TIA prepared by Balzer & Associates dated June 1, 2009 and revised July 2, 2009 titled, *Emerald Investors, Inc. Traffic Impact Analysis Montgomery County, VA*. A copy of the Executive Summary is attached. As a result of pre-scoping meetings with VDOT and County staff, the applicant selected seven (7) 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)/ Meadowcreek Road (Rt. 658)
6. Tyler Road (Rt. 600)/Barn Road (Rt. 627)/Site Entrance
7. Tyler Road (Rt. 600)/Lamb Circle

For the purposes of the study, it was assumed that Phase I of the site would be built and occupied by 2011 and Phase II would be built and occupied by 2015. The conclusions of the study are as follows:

1. Each of the study intersections currently operates at overall acceptable levels of service (LOS) "D" or better during the AM and PM peak hours with the exception of the westbound left at the Tyler Road/I-81 Southbound off ramp and the Tyler Road/I-81 Northbound off ramp which operates at a LOS "E" and "F", respectively, during the AM peak hour.
2. The 95<sup>th</sup> percentile queues at each of the study intersection are currently contained within the available storage.
3. No improvements are currently planned or committed to any of the study intersections without the rezoning and development of the Emerald Investors project. *Staff comment: Carilion's Special Use Permit requires a traffic light at Tyler Road/Barn Road intersection before they can further develop their site.*
4. In 2011, without the development of Tyler Road rezoning, each of the study intersection would continue to operate at acceptable levels of service with the exception of the Tyler Road/I-81 southbound off ramp and the Tyler Road/I-81 northbound off ramp which would operate at a LOS "E" and "F", respectively, during the AM peak hour. *See attached letter from MPO.*
5. In 2011, without the development of Emerald Investors, the 95<sup>th</sup> percentile queues at each of the study intersections would be contained within the available storage.
6. In 2015, without the development of Emerald Investors, each of the study intersections would continue to operate at acceptable level of service with the exception of the westbound left at the Tyler Road/Southbound I-81 off

available storage with the exception of the westbound left at the Tyler Road/Southbound I-81 off ramp which would extend past the available storage in both peak hours.

16. It is recommended that traffic signals be installed at the Tyler Road/Southbound I-81 off ramp and Tyler Road/Northbound I-81 off ramp intersections to alleviate the failing levels of service.

### **INFRASTRUCTURE**

Currently the subject parcel does not have public water and sewer service at the property boundary; however, a letter from Bob Fronk, Montgomery County PSA Director, dated June 3, 2009, indicates services can be provided. Mr. Fronk's letter is included in the agenda packet.

The Rt. 177 Corridor Agreement has a Level of Service (LOS) Policy to ensure adequate water and sewer facilities. The LOS policy indicates that all rezoning applications are required to pass the adequate facilities test.

1. It will pass the test of Adequate Facilities if it does not anticipate water and/or sewer usage levels above the 80 percent capacity level.
2. For one that would anticipate the usage level between 80 and 90 percent to pass the test for Adequate Facilities, there must be a plan to expand sewer capacity.
3. For one that would anticipate the usage level at 90 percent or above to pass the test for Adequate Facilities, there must be a commitment of funds to cover planned expansion.

If the site plan or rezoning application does not pass the test for Adequate Facilities the Joint Review should result in recommended denial of the application.

### **Water Service**

Public water service may be provided by a minimum 12-inch water main extension of approximately 800 feet from the end of the 8" water main near 2827 Barn Road to the of 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 4,000 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 of approximately 800 feet to this property from the terminal manhole bear 2827 Barn Road to the east of the subject property. Currently the available remaining sewer system capacity is 103,000 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 31,120-34,560 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

5. Any utility upgrades required as a result of the proposed development would be installed by the developer.

The Corridor agreement also calls for joint review of land use proposals. On June 10<sup>th</sup> both the Montgomery County Planning Commission and the City of Radford Planning Commission conducted a site visit. The City of Radford submitted a letter concerning the proposed project. The City's Planning Commission is in agreement that the development meets the goals outlined in the Rt. 177 Corridor Agreement. The City Staff commented, "City staff has met and expresses concerns regarding the sewer capacity flows, as this project will bring it closer to near capacity as outlined in the Rt. 177 Corridor Agreement." The City of Radford's letter is included in the agenda packet.

## V. Comprehensive Plan

The parcels are located within an area designated as *Urban Expansion* on the future policy map of the Comprehensive 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.

The following *Urban Expansion* policy statements found in the Land Use Policies chapter of the Comprehensive Plan should be considered during the review of this proposal:

*PLU 1.8.3 a, b & c- Urban Expansion areas are the preferred location for new residential and nonresidential development. These areas will accommodate a full range of residential unit types and densities. Major Employment and commercial uses should be located in Urban Expansion Areas, in proximity to major transportation corridors.*

*PLU 1.8.4 a, b, c, d & e- From an area wide or large-scale project perspective, gross densities in Urban Expansion Areas may range up to 2.5 dwelling units per acre. High quality residential and nonresidential design is encouraged. Proposed development should be evaluated for compatibility with existing communities and is designed to minimize impacts. "Seamless" transitions between existing development and new development is a primary objective. The County will encourage development of planned, mixed use, pedestrian and transit friendly communities in Urban Expansion Areas that combine office, commercial, residential and recreational uses into a single development with pedestrian access along the public street network. Functional neighborhood-scale open space should be provided.*

*PLU 1.8.5 a, b & c- These areas are to be served by public water and sewer, either by the County or by the towns and the City, by mutual agreement. Public facility investments will be focused in these areas. Transportation improvements in these areas will be designed to tie into existing street networks.*

requested that the on-site stormwater facilities be designed and constructed to handle full site build out.

The Rt. 177 Corridor Overlay Zoning District states maximum lot coverage by buildings and paved areas (impervious surfaces) shall be up to fifty (50) percent, which the application meets. The applicant is proposing a site coverage of 45%. In the General Business (GB) district impervious surface is permitted up to 85%; however, this site is in the Rt. 177 Corridor Overlay district and the more strict regulation applies.

### **Summary**

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

The proposal is consistent with the Urban Expansion, Residential Transition, Transportation and Environmental chapters of the Comprehensive Plan, *Montgomery County 2025*. Further, the plan meets all of 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) to General Business (GB). This proposal also qualifies for consideration of a Special Use Permit (SUP) in the General Business (GB) district for convenience store with motor fuel sales.

## **VI. Analysis**

The applicants are proposing to rezone 9.44 acres from Agriculture (A-1) to General Business (GB). The proffered site plan contains a 5,000 square foot convenience store with fuel sales at 8 fuel islands and a 20,000 square foot – two story retail and office building. The convenience store with fuel sales is proposed for development in Phase I while the 20,000 s.f. building with retail and office is proposed for Phase II.

The proposed zoning change and special use permit 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. Both entrances the applicant is proposing are identified on the Rt. 177 Corridor Plan Future Land Use Map. However, without a left-out option in Phase I the surrounding community may be impacted by the amount of u-turn movements at the Barn Road intersection in an attempt to go north toward I-81 or the City of Radford.

The Rt. 177 Corridor Agreement prescribes water and wastewater capacity that the City of Radford makes available to Montgomery County PSA. Per the agreement, as of 2005 the City of Radford is to provide the PSA with 400,000 gpd of water capacity and 250,000 gpd of sewer capacity. Close examination of available capacity for this project is necessary given other existing public service users in the corridor. At the time of this report the

July 8, 2009

property owner notices were distributed to incorporate a large buffer area surrounding the subject parcel.

Enclosures:   Aerial Map (Site)  
                  Aerial Map (Community)  
                  Zoning Map  
                  Site Photos  
                  Application Materials  
                  Proffered Conditions  
                  Traffic Impact Analysis Executive Summary, revised July 2, 2009  
                  Letter from City of Radford, dated July 8, 2009  
                  Letter from Bob Fronk, Montgomery County PSA, dated June 3, 2009  
                  Letter from Dan Brugh, MPO, dated July 8, 2009



**Emerald Investors Inc.  
Request for  
Rezoning  
A1 to GB**

**Legend**

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

**Parcel ID: 011606**



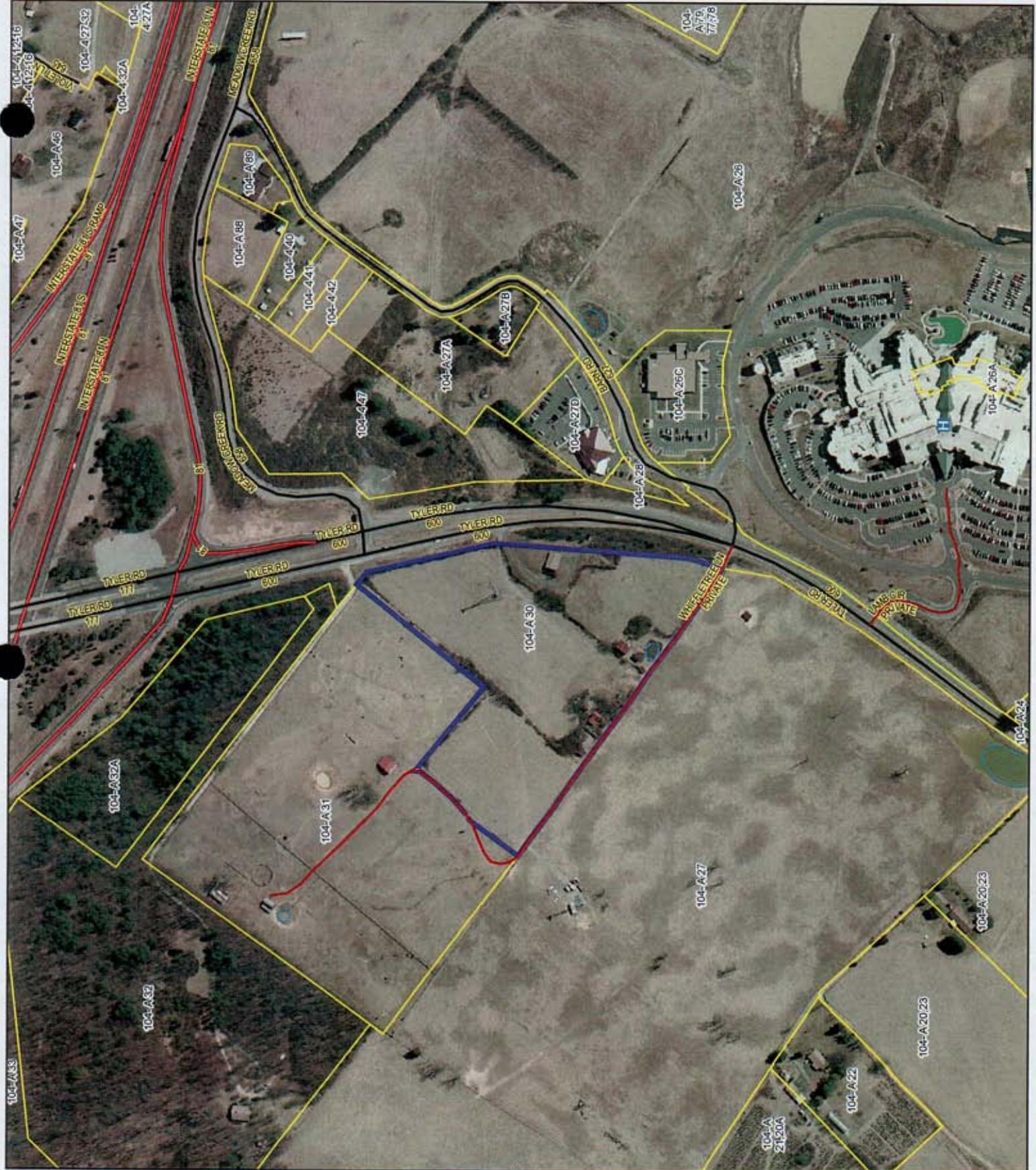
Montgomery County, Virginia  
DECLARATION

THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE CONSIDERED OR USED AS A BASIS FOR ANY LEGAL ACTION OR LIABILITY. THE INFORMATION CONTAINED HEREIN IS NOT TO BE CONSIDERED OR USED AS A BASIS FOR ANY LEGAL ACTION OR LIABILITY. THE INFORMATION CONTAINED HEREIN IS NOT TO BE CONSIDERED OR USED AS A BASIS FOR ANY LEGAL ACTION OR LIABILITY.

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Prepared by Montgomery County, Va Planning & GIS Services, 6/2016



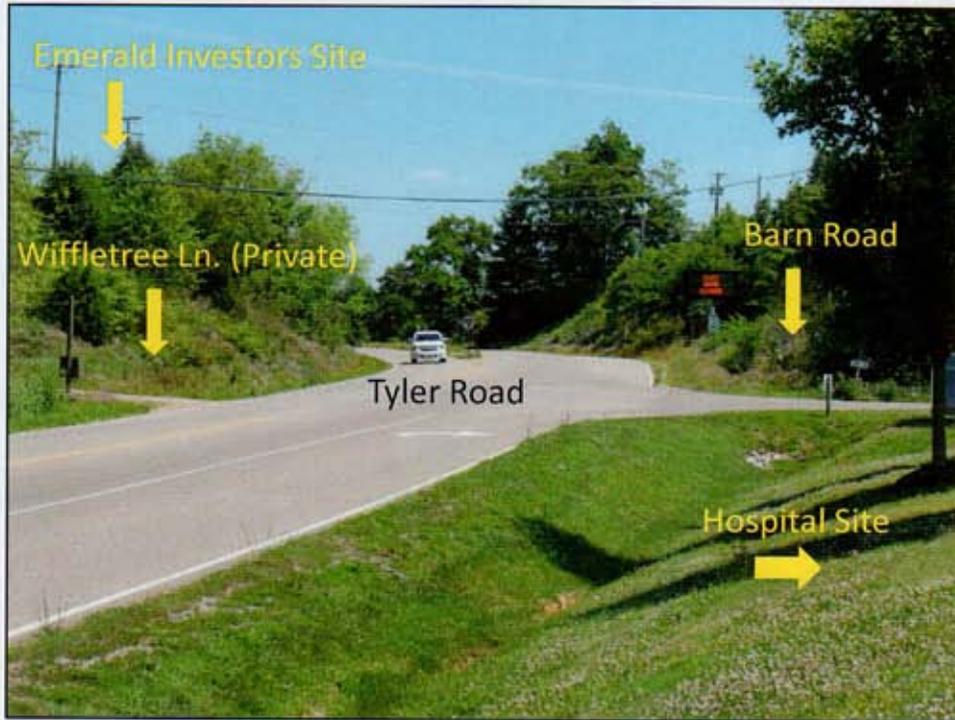


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Creation Date: Feb 21, 2009 12:54  
Modification Date: Apr 14, 2009 00:03

Average Scale: 1 inch = 346.5 feet









Application to Planning Commission and Board of Supervisors

Application For: (check appropriate boxes)

Rezoning  Rezoning & Special Use Permit  
 Special Use Permit  Comprehensive Plan Amendment

**Applicant Information:**  
Property Owner: EMERALD INVESTORS, INC Agent: BALZER & ASSOCIATES, INC  
Address: PO BOX 31 Address: 448 PEPPERS FERRY RD NW  
STUART, VA 24171 CHRISTIANSBURG, VA 24073  
Phone 1: (276) 694-3772 Phone 1: (540) 381-4290  
Phone 2: (276) 694-4526 Phone 2: (540) 641-0328  
Email: balark@clarkgasandoil.com Email: ssemones@balzer.cc

Location of Property: 2843 TYLER ROAD  
Legal Record of Property: Total Area: 9.44 Acres Magisterial District RINER  
Account ID: 011606 Tax Parcel Number(s): 104-A.30

Rezoning Details: Current Zoning District: A1 Requested Zoning District: GB  
Desired Use(s): GAS/CONV. STORE, RETAIL/COMMERCIAL, OFFICE

Special Use Permit: Current Zoning District GB Total Area: 9.44 Acres  
Desired Use(s): CONVENIENCE STORE W/ MOTOR FUEL SALES

Comprehensive Plan Amendment(Description): N/A

*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.*

Anna C. Lester, Pres 4/11/09 [Signature] 6/1/09  
Property Owner's Signature Date Agent's Signature Date

FOR OFFICE USE ONLY

Date Received: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ Reviewed by: \_\_\_\_\_

- COMPLETE request. Schedule for \_\_\_\_\_ Planning Commission Meeting.
- INCOMPLETE request. Applicant has until \_\_\_\_\_ to re-submit application to be considered for \_\_\_\_\_ meeting.

**REZONING APPLICATION  
FOR**

**EMERALD INVESTORS, INC.  
COMMERCIAL DEVELOPMENT**

**TAX PARCEL  
104- A 30**

**June 1, 2009**

**PREPARED FOR: EMERALD INVESTORS, INC.**

**PREPARED BY: BALZER & ASSOCIATES, INC.**

EMERALD INVESTORS, INC. - COMMERCIAL DEVELOPMENT  
REZONING PROFFER STATEMENT

Dated: June 1, 2009

Proffer Statement for a requested rezoning application of Tax Parcels #104- A 30 located off Tyler Road and Whiffletree Lane (Pvt).

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 June 1, 2009.
- 2) Site shall be served by Montgomery County PSA sanitary sewer and water.
- 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 will be proposed on the property in accordance with all State and Local stormwater management standards.
- 5) All entrances onto Tyler Road and will be designed to Virginia Department of Transportation standards and meet the Montgomery County 177 Corridor Plan.
- 6) The following uses will be prohibited in the General Business District: apartment as accessory use, building material sales, cemetery, church, civic club, community center, crematorium, custom meat cutting- processing and sales, funeral home, homeless shelter, park, park and ride, pet-household, public utility lines-other distribution or collection facility, school, and garden center.

Anna C. Lester Pres                      6/1/09  
Emerald Investors, Inc. - Applicant                      Date

Commonwealth of Virginia  
County of ~~Montgomery~~ Patrick

The foregoing instrument was acknowledged before me this 1st day of June 2009 by:  
Anna C. Lester of Patrick Montgomery County.

Barbara C. Bowman  
Notary Public

My commission expires 02-28-2011

Notary Registration Number



**EMERALD INVESTORS, INC. - COMMERCIAL DEVELOPMENT**  
**COMPREHENSIVE PLAN JUSTIFICATION**

The property described in the Rezoning application is currently zoned Agricultural A-1. The parent parcel of the area requested has a total acreage of approximately 9.44 acres. Parcel #104-A 30 currently has a single family residence located on it. The house utilizes approximately 0.75 acres of the overall 9.44 acres. The remaining portion of the property is vacant pasture. There are a three unused barns located on the Parcel as well. The rezoning proposal calls for the entire 9.44 acres to be rezoned to GB General Business.

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 5,000 s.f. gas/convenience station with 8 fuel islands and a 20,000 s.f. - 2 story retail and office building. The uses are shown to occupy the eastern portion of the property and front on Tyler Road. There is a 100' APCO easement that bisects the property, which along with existing topography, makes the development of the western portion of the property difficult. As adjacent properties develop, the development of the western portion of the property may become more feasible. The development shows two entrances to serve the property. One entrance that is along the area of the existing driveway would be a right in/right out entrance. The second entrance would be at Whiffletree Lane (pvt), across from Barn Road, and would be a full access intersection. A future connection to the Deals Lady, LLC property is shown and future connections to the Whiffletree entrance would be possible from the Gibson property. These future connections will help facilitate future interconnectivity between the parcels and limit unnecessary traffic on Tyler Road. Given the site constraints, 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 1.8.4.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.
- 2) PLU 1.8.5.a,c / 2.1.b – The development will have public utilities, and will allow for effective transportation strategies.
- 3) 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 and residential expansion.
- 4) PLU 2.1a – The commercial development is located within an area designated Urban Expansion.
- 5) PLU 2.1.f – The development will provide safe pedestrian walkways to land uses.

- 6) PLU 2.1.c,e, TRN 1.3.2 – The proposed site access and reserved right of way will allow for future interconnections with adjacent properties.
- 7) PLU 2.1.d, f – The development will have pedestrian access between uses.
- 8) 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.
- 9) ENV 3.2.4 – The development will minimize any negative effect on water quality.
- 10) ENV 5.6 – The development will provide for stormwater management and is located in an area where public water and sewer service exists.
- 11) ENV 6.5 – The proposed development is maintaining existing drainage patterns for stormwater management.
- 12) ENV 7.0 – The proposed development is maintaining water quality and protecting downstream properties with stormwater management techniques.
- 13) TRN 1.3.2, TRN 1.3.5 – Interconnectivity of roads and walkways will be provided.
- 14) SFY 1.4 – The development will begin to provide the future access road from the Barn Road Intersection to future developments within this area designated as Urban Expansion areas.
- 15) TRN 1.4.2 – Access to the proposed higher intensity uses will be within the property as opposed to accessing off of a major thoroughfare, ie. Tyler Road.
- 16) TRN 2.4.1 – The proposed entrance locations meet 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 entrances on Tyler Road is where the existing driveway is located and at Whiffletree Lane which is directly across from Barn Road. Both entrance locations are indicated on the 177 Corridor Plan masterplan.
- 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 west side of Tyler Road and to the south of Interstate 81 Northbound and adjacent to Whiffletree Lane (pvt). Currently the site does not 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 to the subject property and then into the site 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. This location 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. 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 Virginia Department of Health Standards, an average daily flow is estimated as follows for the proposed uses:

### GAS SERVICE STATION

Gas/Service Station: 5,000 Square Foot Gas Station with 16 Vehicle Fueling Positions

*Design Assumptions and Calculations:*

1. From ITE Trip Generation Spreadsheet, a service station with 16 vehicle fueling positions will generate approximately 2,604 vehicles per day
2. Water and Sewer Usage for gas service stations is 10 gal/day per vehicle = 26,040 gal/day  
Total Water/Sewer Usage = 26,040 gallons per day

### SHOPPING CENTERS

Retail: There will be 20,000 Square Feet of general retail space located on the first floor of the mixed-use facility.

*Design Assumptions and Calculations:*

1. There is 20,000 Square Feet of ultimate floor space and water and sewage usage is 200-300 gal/day for every 1,000 Square Feet of ultimate floor space = 4,000-6,000 gal/day

Total Water/Sewer Usage By Office = 4,000-6,000 gal/day

### FACTORIES & OFFICE BUILDINGS

Office: 20,000 Square Feet of general office space located on the second floor of the mixed-use facility

*Design Assumptions and Calculations:*

1. There will be approximately nine (9) 25 Foot bays with 8 people working an 8 hour shift per bay = 72 people
2. The office space is assumed to have 72 people working 8-hr shifts and water and sewage usage is 15-35 gal/day per person = 1,080-2,520 gal/day

Total Water/Sewer Usage By Office = 1,080-2,520 gal/day

### **TOTAL ESTIMATED WATER/SEWER USAGE BY PROPOSED DEVELOPMENT = 31,120 – 34,560 gallons per day**

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 project is planned to be split into two phases. Phase I will be the construction of the Gas/Convenience Store. With this construction, the northern Tyler Road entrance will be installed, along with the stormwater management area and all required road improvements utility extensions to serve the site. Phase II would include the Retail/Office development as well as the extension of Whiffletree Lane and associated road improvements and is not expected for planning purposes until 2015 at the earliest.

## **Roads**

The proposed development conceptual plan indicates that there will be two entrances /access points into the property. The first entrance will be off of Tyler Road at the location of the existing driveway leading up to the existing house on the property. This entrance and road will be designed to VDOT standards and will act as a right in/right out entrance. This is due to the existing median in Tyler Road. The second entrance will also be off of Tyler road and will be directly across from Barn Road. This entrance will also be designed to VDOT standards but will serve as a full access entrance. This road will extend along the southern boundary of the site and will provide two access points into the retail/office portion of the project. The current Whiffletree Lane is also used by the adjacent property owners. Full access for those property owners will be maintained during and after construction. These adjacent owners will also have the opportunity to tie into this new road if and when their parcels develop. The 177 Corridor Plan also indicates that turn lanes must be constructed at commercial entrances. These required turn lanes are shown on the conceptual masterplan.

Based on the estimated trips entering and leaving the site from Tyler Road during full buildout, a formalized intersection may be required at Barn Road to allow for full traffic flow along Tyler Road and out of the subject parcel. This intersection would need to be either a signalized intersection or a roundabout. Due to the unknown time frame of Phase II, these intersection improvements are not proposed with this plan. Future coordination with Montgomery County, VDOT, Radford Community Hospital and other adjacent property owners will be necessary to determine the most appropriate type of intersection and the timing involved in its installation.

The project also provides for a future road connection that could extend from the subject parcel to the adjacent parcels to the west and to the south. The future right of way is shown on the conceptual plan at a 30' width. This future right of way and parcel interconnectivity would help to mitigate future traffic impacts on existing adjacent roads as future projects are developed. The new VDOT Secondary Street Acceptance Guidelines require that this type of interconnectivity be proposed on new projects. Based on these new regulations and the planning designation of this area (Suburban Area Type) a VDOT Connectivity Index of  $\geq 1.4$  will be required. Our calculations show the proposed development has an Index of 1.8.

## **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 is shown as a Type 3 Buffer as required by the matrix and the 177 Corridor Plan. The parcel lines adjacent to agricultural zoned property will have a 25' Type 4 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 two separate drainage basins. A 6.51 acre portion of the site drains to the west of the site to a low point which drains across Tyler Road and into a tributary of Meadow Creek. The remaining 2.93 acres of the site drain to the southwest into the Tyler Road ditch system which leads into a tributary of Meadow Creek as well. The current masterplan shows a preliminary location for a stormwater management area. This area would be sized to accommodate the additional stormwater runoff created by the increased impervious areas of the development. The stormwater management pond 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.

### **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 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.

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- (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.
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- (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 marshal. 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)

## EXECUTIVE SUMMARY

This report summarizes the results of a revised traffic impact analysis completed for the proposed Emerald Investors, Inc. development. The subject site is generally located in the northwest quadrant of the Tyler Road/Barn Road intersection just south of I-81 exit 109 in Montgomery County, Virginia.

The applicant, Emerald Investors, Inc., is seeking to rezone the approximately 9.44 acre site from Agriculture (A-1) to General Business. At this time, with the rezoning, the applicant is proposing to develop the site in two phases. Phase I would consist of a gasoline station with 16 fueling pumps and would be accessed via a right-in/right-out only entrance on Tyler Road. Phase II would consist of approximately 20,000 square feet of office space and 20,000 square feet of retail space and would be accessed via a full movement entrance that would form the fourth leg of the Tyler Road/Barn Road intersection. With the completion of Phase II, the various uses would share both entrances to the site.

The scope of this study was developed in accordance with the Virginia Department of Transportation (VDOT) Chapter 527 regulations. Based on the regulations, it was determined that the study area should include the following intersections:

1. Tyler Road/Lovely Mount Drive
2. Tyler Road/Mud Pike
3. Tyler Road/I81 SB Ramps
4. Tyler Road/I-81 NB Ramps
5. Tyler Road/Meadowcreek Road
6. Tyler Road/Barn Road/Site Entrance
7. Tyler Road/Lamb Circle

For purposes of this study, it was assumed that Phase I of the site would be built and occupied by 2011 and Phase II would be built and occupied by 2015.

The conclusions of this study are as follows:

1. Each of the study intersections currently operates at overall acceptable levels of service (LOS "D" or better) during both the AM and PM peak hours with the exception of the westbound left at the Tyler Road/ Southbound I-81 off ramp and the Tyler Road/ Northbound I-81 off ramp which operates at a LOS "E" and "F", respectively, during the AM peak hour.
2. The 95<sup>th</sup> percentile queues at each of the study intersections are currently contained within the available storage.

3. No improvements are currently planned or committed to any of the study intersections without the rezoning and development of the Emerald Investors project.
4. In 2011, without the development of Emerald Investors, each of the study intersections would continue to operate at acceptable levels of service with the exception of the westbound left at the Tyler Road/ Southbound I-81 off ramp and the Tyler Road/ Northbound I-81 off ramp which operates at a LOS "E" and "F", respectively, during the AM peak hour.
5. In 2011, without the development of Emerald Investors, the 95<sup>th</sup> percentile queues at each of the study intersections would be contained within the available storage.
6. In 2015, without the development of Emerald Investors, each of the study intersections would continue to operate at acceptable levels of service with the exception of the westbound left at the Tyler Road/Southbound I-81 off ramp and the Tyler Road/ Northbound I-81 off ramp which both would operate at a LOS "F" during the AM peak hour.
7. In 2015, without the development of Emerald Investors, the 95<sup>th</sup> percentile queues at each of the study intersections would be contained within the available storage with the exception of the westbound left at the Tyler Road/Southbound I-81 off ramp which would extend past the available storage in the AM peak hour.
8. It is estimated that Phase I of the development of the Emerald Investors project would add 161 new AM peak hour, 214 new PM peak hour, and 2,604 new daily new trips to the local roadway network.
9. The following roadway improvements are committed to be constructed with Phase I of the development of the subject project:
  - A southbound right turn lane on Tyler Road at the right-in/right-out entrance to the site.
10. In 2011, with development of Phase I and the committed improvements noted above, each of the study intersections would continue to operate at similar LOS to the background conditions with the exception of the Tyler Road/I-81 SB off Ramp. The westbound left turning movement would operate at a LOS "F" during both peak hours. Additionally, the eastbound approach to the Tyler Road/I-81 Northbound off Ramp intersection would continue to operate at a LOS "F" during the AM peak hour but would experience a significant increase in delay over the background conditions.

11. In 2011, with the development of Emerald Investors, the 95<sup>th</sup> percentile queues at each of the study intersections would be contained within the available storage with the exception of the westbound left at the Tyler Road/Southbound I-81 off ramp which would extend past the available storage in the AM and PM peak hours.
12. It is estimated that Phase II of the development of the Emerald Investors project would add 112 new AM peak hour, 155 new PM peak hour, and 1,272 new daily new trips to the local roadway network.
13. The following roadway improvements are committed to be constructed with Phase I of the development of the subject project:
  - A southbound right turn lane on Tyler Road at the full movement entrance to the site which would form the fourth leg of the Tyler Road/Barn Road intersection.
14. In 2015, with development of Emerald Investors, and the committed improvements noted above, each of the study intersections would continue to operate at similar LOS to the background conditions with the exception of the westbound left at the Tyler Road/Southbound I-81 off ramp and the Tyler Road/ Northbound I-81 off ramp. Both of these movements would continue to operate at LOS "F" but would experience a significant increase in delay over the background conditions.

Additionally, traffic exiting the site at the Tyler Road/Barn Road/Site Entrance intersection would experience an LOS "F" during the AM peak hour and an LOS "E" during the PM peak hour. A traffic signal or roundabout would need to be installed to allow the intersection to operate at acceptable levels of service.

15. In 2015, with the development of Emerald Investors, the 95<sup>th</sup> percentile queues at each of the study intersections would be contained within the available storage with the exception of the westbound left at the Tyler Road/Southbound I-81 off ramp which would extend past the available storage in both peak hours.
16. It is recommended that traffic signals be installed at the Tyler Road/Southbound I-81 off ramp and Tyler Road/Northbound I-81 off ramp intersections to alleviate the failing levels of service.



July 8, 2009

Kevin R. Byrd, AICP  
Comprehensive Planner  
Montgomery County  
755 Roanoke Street, Suite 2A  
Christiansburg, VA24073

RE: Rezoning 2843 Tyler Road Development (Emerald Investors)

Dear Kevin,

In accordance to the Joint 177 Corridor Agreement with Montgomery County and the City Of Radford, Planning Commission met with Montgomery County staff, Planning Commission and the developer on June 10, 2009 for a site visit at this said property. Radford City Planning Commission is in agreement that this development meets the goals outlined in the 177 Corridor Agreements.

City staff has met and as with the proposed project from S&O of Virginia expresses concerns regarding the sewer capacity flows will bring it closer to near capacity as outlined in the 177 Corridor Agreement.

If you have any further questions, please don't hesitate contacting me at 540.731.3603. or at [mskelton@radford.va.us](mailto:mskelton@radford.va.us)

Sincerely,

Melissa Skelton  
Zoning Administrator

cc:

Radford City Council  
Anthony W. Cox, City Manager  
David Ridpath, Asst. 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

June 3, 2009

**FILE COPY**

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

RE: Availability No. 09-38  
Commercial Development  
Tyler Road  
Tax Map No. 104- A 30  
Parcel ID 011606  
Water/Sewer

Dear Steve:

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 of approximately 800 feet from the end of the 8" water main near 2827 Barn Road to the east of 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 4,000 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 shall be the owner's responsibility.

Public sewer may be provided by a public sewer main extension of approximately 800 feet to this property from the terminal sewer manhole BT-D-30 near 2827 Barn Road to the east of the subject property. **The currently available remaining sewer system capacity is 103,000 gallons per day (gpd).** 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.

mones  
9  
ation of water and sewer fees based upon water meter size is provided for your information:

Water Meter Size	Water Facility Fee	Sewer Facility Fee	Sewer Pump Station Facility Fee
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

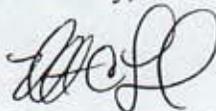
The water and sewer facilities must be designed to PSA standards by an engineer and approved by the PSA prior to construction. The owner would be responsible for the cost of the water main extension, any necessary water system appurtenances, sewer main extension, sewer pump station upgrade, public easements, 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. **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.** Also be advised that this development must also meet all Montgomery County Planning and Zoning Department requirements. The availability of water and sanitary sewer facilities does not by itself authorize the development of this property.

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 June 1, 2010.***

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

**Blacksburg/Christiansburg/Montgomery Area  
Metropolitan Planning Organization**

755 Roanoke Street, Suite 2I  
Christiansburg, VA 24073

July 8, 2009

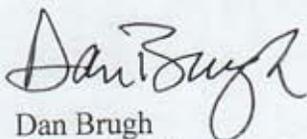
Steve Sandy  
Planning Director, Montgomery County  
755 Roanoke Street  
Christiansburg, Virginia 24073

Steve,

This is in regard to our discussions regarding developments proposed at Exit 109 on I 81 – Route 177. The preliminary results of the Traffic Impact Analysis done including the 3 proposed developments shows a lowering of the functioning of the intersections of both the Northbound and Southbound Exit ramp intersections with Route 177. This failure occurs with or without the developments indicating remedial work needs to be done at these intersections to maintain an acceptable level of service.

VDOT must allocate funds for the different road systems on projects identified within the MPO developed Long Range Plan. While there is no set amount each year, over a period of time, projects must be programmed to accommodate the funding. While I cannot commit for the MPO, the current Long Range Plan has funding for the Interstate system that we were unable to allocate project specific. We are currently updating our Long Range Plan and our consultant will be reviewing areas for possible deficiencies. We will be sending the completed Traffic Impact Analysis to him for review. If this is identified as a need, improvements at these intersections can be included in the Plan unless there is a more pressing need that I am not aware of right now. Our plan is scheduled to be finalized in June of next year.

If you have any questions, feel free to contact me.



Dan Brugh  
Executive Director

Cc: Policy Board Members

JDB



## MONTGOMERY COUNTY PLANNING & GIS SERVICES

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

### MEMORANDUM

**TO:** Planning Commission  
**FROM:** Planning Staff (KB)  
**DATE:** July 8, 2009  
**RE:** **Staff Analysis Update (SU-2009-06765)**

A request by **S&P of Virginia, LLC** (Agent: Balzer and Associates) for rezoning of approximately 21.13 acres from Agriculture (A-1) to General Business (GB) and 14.19 acres from Agriculture (A-1) to Residential (R-3), with possible proffered conditions, to allow various commercial uses and single family residential dwellings. In addition, a special use permit is requested in the General Business (GB) district to allow a convenience store with motor fuel sales. The site is located southwest of the I-81 Exit 109 and Tyler Road intersection, 2735 Tyler Road, identified as Tax Parcel No(s), 104-A-32, 32A, 33 and 104-7-A, (Acct Nos. 018647, 011957, 019186, 023358), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan and Planned Commercial and Planned Residential in the Route 177 Corridor Plan with a maximum density of four (4) dwelling units per acre.

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At the June 10<sup>th</sup> meeting of the Planning Commission a public hearing was held on the Rezoning and Special Use Permit request above and the Commission tabled the request.

A memo dated June 15<sup>th</sup> and addressed to the Board of Supervisors Chair, Annette Perkins, from the Planning Commission Chair, Robert Miller, contained the motion below.

Upon a motion duly seconded and carried by a 7-0 vote (Seitz and Lau absent), the Planning Commission recommended **tabling** the request to rezone approximately 21.13 acres from Agriculture (A-1) to General Business (GB) and 14.19 acres from Agriculture (A-1) to Residential (R-3), with possible proffered conditions. The Planning Commission also recommended tabling a request for a special use permit in the General Business (GB) district to allow a convenience store with motor fuel sales.

Commission members discussed the need for the applicant to adequately address staff concerns in the following areas; 1) Transportation issues, including roundabout design, 2) Water/Sewer Capacity Issues, 3) Quality of Design, and 4) Pedestrian Connectivity.

Enclosures: Revised Proffer Statement dated July 7, 2009  
Revised Concept Plan dated June 30, 2009  
Letter from Dan Brugh, MPO, dated July 8, 2009  
Revised TIA Executive Summary, dated June 30, 2009

**S&P of VIRGINIA, LLC - TYLER ROAD MIXED USE DEVELOPMENT**  
**REZONING PROFFER STATEMENT**

Dated: May 1, 2009  
Revised: July 7, 2009

Proffer Statement for a requested rezoning application of Tax Parcels #104- A 32A, #104- A 32, #104- A 33, and #104- 7 A located off Tyler Road and Bains Chapel 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 May 1, 2009.
- 2) Site shall be served by Montgomery County PSA sanitary sewer and water.
- 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 on the property shall be in accordance with all State and Local stormwater management standards.
- 5) A minimum of 10% of the overall stormwater management requirements will be provided by Low Impact Development techniques.
- 6) The proposed access entrances on to Bains Chapel Road shall be approved by the Virginia Department of Transportation prior to the recordation of any residential subdivision plats.
- 7) The following uses will be prohibited in the General Business District: building material sales, cemetery, crematorium, homeless shelter, motor vehicle rentals, automotive-light truck, and funeral home.
- 8) Homes in the Residential District are to be on permanent foundations and shall be either stick built or pre-manufactured and assembled onsite.
- 9) The Tyler Road entrance improvements will be constructed and approved and accepted by VDOT prior to any building permits being issued.
- 10) The main road and entrance improvements at Bain's Chapel Road connecting Bain's Chapel Road with Tyler Road shall be constructed, approved and accepted by VDOT prior to any building permits being issued in the Residential portion of the proposed development or prior to more than 50% (10.57 acres) of the General Business District being authorized for development pursuant to an approved site plan(s) whichever occurs first.

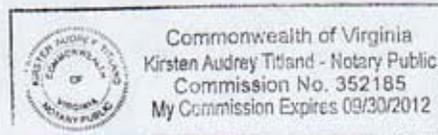
*D. Stephen Hagg, Managing Member*      *7/8/09*  
S & P OF VIRGINIA, L.L.C. - Applicant      Date

Commonwealth of Virginia  
County of Montgomery

The foregoing instrument was acknowledged before me this 8 day of July 2009  
by: D. Stephen Hagg, Jr. of Montgomery County.

Kirsten Audrey Titland  
Notary Public

My commission expires 9/30/2012



**Blacksburg/Christiansburg/Montgomery Area  
Metropolitan Planning Organization**

755 Roanoke Street, Suite 2I  
Christiansburg, VA 24073

July 8, 2009

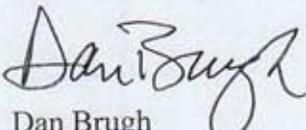
Steve Sandy  
Planning Director, Montgomery County  
755 Roanoke Street  
Christiansburg, Virginia 24073

Steve,

This is in regard to our discussions regarding developments proposed at Exit 109 on I 81 – Route 177. The preliminary results of the Traffic Impact Analysis done including the 3 proposed developments shows a lowering of the functioning of the intersections of both the Northbound and Southbound Exit ramp intersections with Route 177. This failure occurs with or without the developments indicating remedial work needs to be done at these intersections to maintain an acceptable level of service.

VDOT must allocate funds for the different road systems on projects identified within the MPO developed Long Range Plan. While there is no set amount each year, over a period of time, projects must be programmed to accommodate the funding. While I cannot commit for the MPO, the current Long Range Plan has funding for the Interstate system that we were unable to allocate project specific. We are currently updating our Long Range Plan and our consultant will be reviewing areas for possible deficiencies. We will be sending the completed Traffic Impact Analysis to him for review. If this is identified as a need, improvements at these intersections can be included in the Plan unless there is a more pressing need that I am not aware of right now. Our plan is scheduled to be finalized in June of next year.

If you have any questions, feel free to contact me.

  
Dan Brugh  
Executive Director

Cc: Policy Board Members

JDB

## EXECUTIVE SUMMARY

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

The applicant, S & P of Virginia, LLC, is seeking to rezone the approximately 35.3 acre site from Agriculture (A-1) to a mix of Residential (R-3) and General Business. At this time, with the rezoning, the applicant is proposing to develop the site with a restaurant, gasoline station, a hotel, single family residences, office, and mixed business uses.

The scope of this study was developed in accordance with the Virginia Department of Transportation (VDOT) Chapter 527 regulations and a scoping meeting held with VDOT and Montgomery County officials on April 22, 2009. A copy of the scoping agreement is included in Appendix A. Based on the scoping agreement, it was determined that the study area should include the following intersections:

1. Tyler Road/Lovely Mount Drive
2. Tyler Road/Mud Pike
3. Tyler Road/I81 SB Ramps
4. Tyler Road/I-81 NB Ramps
5. Tyler Road/Meadowcreek Road/Site Entrance
6. Tyler Road/Barn Road
7. Tyler Road/Lamb Circle
8. Dry Valley Road/Bains Chapel Road

For purposes of this study, it was assumed that the site would be built and occupied by 2012.

The conclusions of this study are as follows:

1. Each of the study intersections currently operates at overall acceptable levels of service (LOS "D" or better) during both the AM and PM peak hours with the exception of the westbound left at the Tyler Road/ Southbound I-81 off ramp and the Tyler Road/ Northbound I-81 off ramp which operates at a LOS "E" and "F", respectively, during the AM peak hour.
2. The 95<sup>th</sup> percentile queues at each of the study intersections are currently contained within the available storage.
3. No improvements are currently planned or committed to any of the study intersections without the rezoning and development of the Tyler Road Rezoning project.

4. In 2015, without the development of Tyler Road Rezoning, each of the study intersections would continue to operate at acceptable levels of service with the exception of the westbound left at the Tyler Road/Southbound I-81 off ramp and the Tyler Road/ Northbound I-81 off ramp which both would operate at a LOS "F" during the AM peak hour.
5. In 2015, without the development of Tyler Road Rezoning, the 95<sup>th</sup> percentile queues at each of the study intersections would be contained within the available storage with the exception of the westbound left at the Tyler Road/Southbound I-81 off ramp which would extend past the available storage in the AM peak hour.
6. It is estimated that the development of Tyler Road Rezoning would add 350 new AM peak hour, 418 new PM peak hour, and 4,552 new daily new trips to the local roadway network.
7. The following roadway improvements are committed to be constructed with development of the Tyler Road Rezoning:
  - A one lane roundabout at the Tyler Road/Meadowcreek Road/Site Entrance intersection.
  - A public road through the site connecting Tyler Road with Bains Chapel Road.
8. In 2015, with development of Tyler Road Rezoning and the committed improvements noted above, each of the study intersections would continue to operate at similar LOS to the background conditions with the exception of the westbound left at the Tyler Road/Southbound I-81 off ramp and the Tyler Road/ Northbound I-81 off ramp. Both of these movements would continue to operate at LOS "F" but would experience a significant increase in delay over the background conditions.
9. In 2015, with the development of Tyler Road Rezoning, the 95<sup>th</sup> percentile queues at each of the study intersections would be contained within the available storage with the exception of the westbound left at the Tyler Road/Southbound I-81 off ramp which would extend past the available storage in both peak hours.
10. It is recommended that traffic signals be installed at the Tyler Road/Southbound I-81 off ramp and Tyler Road/Northbound I-81 off ramp intersections to alleviate the failing levels of service.

## INTRODUCTION

This report summarizes the results of a revised traffic impact analysis (TIA) completed for the proposed Tyler Road Rezoning development. The subject site is generally located in the northwest quadrant of the Tyler Road/Meadowcreek Road intersection just south of I-81 exit 109 in Montgomery County, Virginia. A map of the location of the site is shown on Figure 1.

The original TIA was submitted on May 4, 2009 and the Virginia Department of Transportation (VDOT) issued comments on June 2, 2009. A copy of VDOT's comments is included in Appendix B and the applicant's response to those comments is included in Appendix C.

The applicant, S & P of Virginia, LLC, is seeking to rezone the approximately 35.3 acre site from Agriculture (A-1) to a mix of Residential (R-3) and General Business. At this time, with the rezoning, the applicant is proposing to develop the site with a restaurant, gasoline station, a hotel, single family residences, office, and mixed business uses. A copy of the master plan is shown on Figure 2.

Access to the site would be provided via a public road that would connect to Tyler Road at the Meadowcreek Road intersection and form the fourth leg of that intersection. The public road would continue through the site and connect to Bains Chapel Road to the northwest.

For purposes of this traffic analysis, the development was assumed to be completed by 2012.

This analysis was completed in accordance with the Virginia Department of Transportation's Traffic Impact Analysis Regulations Administrative Guidelines and the scoping agreement (Appendix A). Sources of data for this analysis include Montgomery County, VDOT, the Institute of Transportation Engineers' (ITE) Trip Generation manual (7<sup>th</sup> edition), the master plan prepared by Balzer and Associates, and traffic counts conducted by Balzer and Associates.



## MONTGOMERY COUNTY PLANNING & GIS SERVICES

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

### MEMORANDUM

**TO:** Planning Commission  
**FROM:** Planning Staff *KB*  
**DATE:** July 8, 2009  
**RE:** **Staff Analysis Update (SU-2009-06560)**

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

At the April 8<sup>th</sup> meeting of the Planning Commission a public hearing was held on the Special Use Permit request above and the Commission tabled the request. By Montgomery County Zoning Ordinance, the Planning Commission must make a recommendation to the Board of Supervisors within 100 days from the public hearing. The Planning Commission's July 15<sup>th</sup> meeting date will mark 98 days from the April 8<sup>th</sup> public hearing.

A memo dated April 9<sup>th</sup> addressed to the Board of Supervisors Chair, Annette Perkins, from the Planning Commission Chair, Robert Miller, contained the motion below.

Upon a motion duly seconded and carried by a vote of 6 to 0 (Haynes absent), the Planning Commission recommended **tabling** the Special Use Permit request referenced above until the following items can be addressed:

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



MONTGOMERY COUNTY DEPARTMENT OF  
PLANNING & GIS SERVICES

PLANNING  
GIS & MAPPING

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

June 25, 2009

William and Susan Osborne  
PO Box 10132  
Blacksburg, VA 24062

Dear Mr. and Mrs. Osborne:

By Montgomery County Zoning Ordinance the Planning Commission is required to make a recommendation to the Board of Supervisors on cases within 100 days of a public hearing. Since your case was held on April 8<sup>th</sup> the Planning Commission must make a recommendation to the Board of Supervisors prior to July 17<sup>th</sup>.

The Planning Commission is scheduled to make a recommendation on your request for a Special Use Permit in an Agriculture (A-1) zone for a Contractor's Storage Yard on **July 15<sup>th</sup> at 7:00 pm.**

Please let us know what has been accomplished to address the Planning Commission concerns outlined in their motion to table your request. A memo is attached containing the Planning Commission tabling motion. Also, if you have materials for review or consideration for the staff report to the Planning Commission they must be submitted by close of business July 6<sup>th</sup>.

Should you have any questions concerning your application or this process, please do not hesitate to contact me at the number below or by emailing [byrdkr@montgomerycountyva.gov](mailto:byrdkr@montgomerycountyva.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin R. Byrd".

Kevin R. Byrd, AICP  
Comprehensive Planner

CC: Kevin Conner, Gay and Neel, Inc (Agent)