

MONTGOMERY COUNTY PLANNING COMMISSION
January 12, 2011 @ 7:00 P.M.
Board Room, Government Center

A G E N D A

CALL TO ORDER:

DETERMINATION OF A QUORUM:

APPROVAL OF AGENDA:

APPROVAL OF CONSENT AGENDA:

PUBLIC ADDRESS:

PUBLIC HEARING:

1. A request by **William Mark King, II & Carolyn D. King** for a special use permit on 7.217 acres in an Agricultural (A-1) zoning district to allow a contractor's storage yard. The property is located at 3070 Seven Mile Tree Road and is identified as Tax Parcel No. 104-1-12 (Acct # 023225) in the Riner Magisterial District (District D). The property currently lies in an area designated as Rural in the 2025 Comprehensive Plan..
 - a. Staff Presentation (Jamie MacLean)
 - b. Applicant Presentation
 - c. Public Comment
 - d. Discussion/Action

2. An Ordinance amending Article IV, Chapter 8 entitled Subdivision of the Code of the County of Montgomery, Virginia, Sections 8-111, 8-136, 8-137, 8-150,8-152, 8-153, 8-171, 8-173, 8-174 and 8-201, respectively, by amending the definition of remainder, family subdivision and subdivision major; by requiring additional fees for the review of plats; by requiring planning commission and board of supervisor approval of exterior boundary line changes that could result in additional lots; by decreasing the amount of surety for bonding subdivision improvements; by requiring VDOT review and approval of any plat showing a private access easement serving more than two lots; by requiring where private on-site sewage disposal systems in family and minor subdivisions may be located; by amending when a subdivision does not require a survey and what information is required on the sketch which is provided in lieu of the survey; by increasing the number of copies of a preliminary plat to be submitted and by adding additional information to be noted on preliminary and final plats; by increasing the time period a preliminary plat is valid; by requiring the submission of a digital copy of the final plat; and by incorporating the county street naming policy into the subdivision ordinance.
 - a. Staff Presentation (Jamie MacLean)
 - b. Public Comment
 - c. Discussion/Action

OLD BUSINESS:

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON OCTOBER 20, 2010 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Rice, Chair called the meeting to order.

DETERMINATION OF A QUORUM:

Mr. Thum established the presence of a quorum.

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

Absent:

APPROVAL OF AGENDA:

On a motion by Mr. Miller, seconded by Mr. Haynes, and unanimously carried the agenda was approved as amended with the addition of a worksession following old business.

CONSENT AGENDA:

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

PUBLIC ADDRESS:

Mr. Rice opened the public address session.

Mr. Dunkenberger stated he was working with VA Outdoors Foundation in an attempt to preserve land by placing it in a conservation easement. The subject property is approximately 166 acres and located in Shawsville. A 61-acre portion of the property lies within the Shawsville Village Expansion area in the comprehensive plan. This designation prohibits inclusion of the property in the conservation easement. He requested the planning commission to initiate a comprehensive plan amendment to exclude tax parcel number 71-A-29 and 50 acres of tax parcel number 71-A-21 from the village designation. The family uses the property for agriculture or recreational purposes. He noted it was his desire to have the property re-designated so the easement can be finalized before the end of year.

Mr. Sandy stated this request would be an amendment to the Village Plan of Shawsville. Only a portion of the property is within the village area and therefore would not be acceptable for inclusion in the conservation easement. For general changes in the comprehensive plan applications are accepted twice

the ordinance as it relates to modification, alteration, repair, reconstruction or improvement of any kind to existing structures located in any floodplain areas to an extent or amount less than fifty (50) percent of its market value.

Mr. Rice introduced the request.

Ms. Jenkins stated as the section is currently written, anyone making an addition to a structure located in the floodplain to an amount of less than 50% of its market value would be allowed to construct the addition without meeting any regulations requiring the elevation of the addition. This means in a flood event it is likely the new addition would be flooded along with the remainder of the dwelling. DCR is supportive of the proposed amendment to require the elevation of only the addition to at least one (1) ft. above the base flood elevation. If the modification or alterations are more than 50% it is automatically required that the entire structure be elevated and in compliance with the floodplain chapter.

Mr. Haynes stated input from the insurance agents supplying flood insurance should be considered.

Mr. Donahue stated the primary concern is to prevent the base flood elevation from changing. He suggested the amendment include that the addition should not result in an increase of the base flood elevation.

Mr. McMahon stated the purpose of the change is to not increase any nonconforming structures in the floodplain without requiring them to comply with the ordinance. The county does not want to expand nonconforming uses. If the owner/applicant cannot comply with the county code then the expansion should not be permitted.

Mr. Miller asked if the map changes caused many dwellings to come out of the flood plain?

Ms. Jenkins stated since the maps were more defined many dwellings did come out of the flood zone designated areas. She noted the ordinance was developed based on the model ordinance from FEMA.

Mr. Wells stated that only one dwelling in the Elliston area was removed from floodplain and noted that this amendment could impact many people in that area.

Mr. Rice opened the public hearing; there being no comments, he closed the public hearing on this matter.

Mr. Rice stated it would seem reasonable that an "addition" should meet current code requirements; however, the amendment could create a hardship.

Mr. Wells stated he would like additional time to consider the amendment and to get information from insurance agents.

Mr. Donahue noted he would like to see compliance with the federal act.

On a motion by Mr. Donahue, seconded by Mr. Wells and carried by a 9-0 vote the Planning Commission tabled the ordinance amending Chapter 10 Entitled Zoning, Section 10-37 of the Code of the County of Montgomery, Virginia by amending the Flood Damage Prevention Overlay to modify the language of the ordinance as it relates to modification, alteration, repair, reconstruction or improvement of any kind to existing structures located in any floodplain areas to an extent or amount less than fifty (50) percent of its market value until November 10, 2010.

OLD BUSINESS:

A request by Joseph & Elizabeth Maxwell (Agent: Rich Rosenfeld) for a special use permit on 25.12 acres in a General Business (GB) zoning district to allow a 199 ft. telecommunication tower. The property is located at 1485 Harding Road, approximately 350 feet south of the intersection with Fleets Way (private), and is identified as Tax Parcel No. 041-A-60 (Acct # 012046) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Residential Transition in the 2025 Comprehensive Plan.

on Patrick Henry Drive. This site is complicated by the county rules, the comprehensive plan, zoning district, etc. There are no additional evaluations that can be done for this site regarding co-location. The water tower site was not feasible due to the lack of sufficient ground space and it required a tower to be too low in height to meet objectives. He discussed the other possibilities that were researched such as church steeples, and other properties. The proposed structure is designed to fall within a 45 ft. radius. The height has been reduced to 163 feet. This tower may provide 2 collocation opportunities. AT&T wants to provide service and meet the requirements set forth by the county. There is a balance between the need for coverage and viewshed issues. The site does lie within a zone that allows the application for a special use permit and is the 3rd best area listed in the comprehensive plan.

Mr. Donahue asked if AEP had submitted any document that has indicated they are concerned about the location.

Mr. Pace stated they have not commented on this site. AT&T has a master lease agreement with AEP.

Mr. Donahue stated the collapse of the tower is not an issue based on his engineering knowledge. Towers are designed to not collapse. If towers are placed on top of mountains it still destroys viewsheds. The coverage of neighborhoods and roads is necessary and it appears co-location opportunities have been exhausted.

Mr. Thum asked if the degradation of service given the proposed reduction in height would limit collocation possibilities?

Mr. Pace stated that 199 feet would definitely provide two location possibilities but the number of collocations with the height reduction would depend on other carriers needs.

Mr. Haynes asked how many towers have fallen?

Mr. Pace stated he knew of none in Virginia. When Hurricane Katrina hit some fell but stayed within their fall radius. The percentage of collapse is small and generally related to a natural disaster.

Mr. Lau noted that during a wind storm the trees would block the road before the tower would. There was a tower placed up on Brush Mountain and the only time it is visible is in the morning hours. Monopole towers are virtually invisible unless you know where to look.

Mr. Sandy noted that a "freestanding tower" is not permitted in the residential (R2) zoning district so to relocate the tower on another portion of the property, the applicant would have to apply for a rezoning and special use permit. The tower was advertised at 199 feet in height so the commission can recommend approval up to that height if desired. Any change in height may change the fall radius. Since the request is a special use permit, conditions can be attached.

Mr. Pace stated that if the 199 foot height is recommended the fall zone would be designed to fall within a 45 foot radius. If necessary, the engineer can submit something in writing confirming that it was designed to those standards.

Mr. Tuttle asked if there was a place on the residential zoned property that would be better suited for the tower?

Mr. Sandy stated that to rezone a portion of the property would create spot zoning and may not be best practices.

Mr. Rice stated he was concerned the balloon test was performed at the 163 height.

Mr. Thum stated that if the tower is necessary, it should provide additional location opportunities for other companies. The applicant has pursued every opportunity and exhausted other options. In order to meet objectives and fully utilize the tower the maximum height should be considered.

antennae located upon the tower. Emergency service providers shall provide equipment. Tower owner/agent shall install the antennae at market rate.

12. The second highest space on the tower shall be made available to the County. In the event that Montgomery County has not used this space and another cellular carrier wishes to co-locate on the same tower, the tower owner shall give the Montgomery County Administrator fourteen (14) days notice by Certified Mail of their intent to occupy this location.
13. Prior to the Board of Supervisors making their decision, the Applicant shall provide to the Planning Staff a letter from American Electric Power stating whether AEP has imposed any restrictions on placing the proposed tower structure adjacent to AEP's existing power lines and if so what those restrictions are. If required by AEP, the existing overhead power lines shall be relocated underground at the applicant's expense.
14. The Tower shall be engineered to have a fall radius ("fall zone") not to exceed 45 feet. The fall zone shall be shown on the final site plan. Prior to the Board of Supervisors making their decision, the Applicant shall provide to Planning Staff a letter from the Applicant's Engineer stating the Tower will be engineered to have a fall radius ("fall zone") not to exceed 45 feet.

WORK SESSION:

Accessory Uses

Mr. Sandy stated that staff was researching a means to address the storage of buses as an accessory use. Mr. Katz has argued that parking of buses would be allowed under the current ordinance; however, the county attorney and staff do not agree with his argument. Section 10-41 discusses accessory uses and parking uses or structures. The following amendment options could be considered to allow bus parking:

1. Clarify the ordinance section to state that parking uses are limited to employees and patrons and other uses could require SUP.
2. Amend the section of the ordinance relating to storage of equipment and materials to include other types of commercial vehicles in the General Business (GB) and Community Business (CB) zoning districts. This would also require the buses be parked to the side or rear of building and could not exceed 40% of building area. This option may be more difficult to enforce.

Mr. McMahon stated that the purpose behind requiring a special use permit is to consider the requests on a case by case basis since there is a potential for adverse impacts.

It was the consensus of the commission that allowing the parking of buses or vehicles over 1.5 tons (or other specification to comply with DMV regulations) by a special use permit would be appropriate.

Mr. Sandy discussed new state legislation regarding "temporary family housing" as an accessory use. The structures must be allowed in zoning districts allowing single family housing; however, are limited to 300 sq. feet by State Code. Amendments to address this issue will be presented to the commission for review.

On a motion by Mr. Seitz, seconded by Mr. Miller and carried by a unanimous vote the planning commission closed the worksession.

NEW BUSINESS:

Long Hollow LLC. Comprehensive Plan Amendment

On a motion by Mr. Miller, seconded by Mr. Seitz and unanimously carried the planning commission requested an amendment to the Shawsville Village plan be processed to consider the removal of property owned by Long Hollow LLC from the village expansion area so that the property may be placed into a conservation easement.

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON NOVEMBER 10, 2010 IN THE MULTIPURPOSE ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Rice, Chair called the meeting to order.

DETERMINATION OF A QUORUM:

Mr. Thum established the presence of a quorum.

Present: Bryan Rice, Chair
William Seitz, Vice Chair
Ryan Thum, Secretary
Joel Donahue, Member
Walt Haynes, Member
Malvin Wells, Member
Robert Miller, Member
Frank Lau, Member
John Tuttle, Member
Dari Jenkins, Planning & Zoning Administrator
Jamie MacLean, Development Planner
Brea Hopkins, Planning & Zoning Technician
Steve Sandy, Planning Director (Left at 7:15 pm)

Absent: John Muffo, Board of Supervisors Liaison
Marty McMahon, County Attorney

APPROVAL OF AGENDA:

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

PUBLIC ADDRESS:

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

PUBLIC HEARING:

An ordinance amending Chapter 10 entitled Zoning, Section 10-41 of the Code of the County of Montgomery, Virginia by allowing a temporary family health care structure as defined by Section 15.2-2292.1 of the Code of Virginia as a permitted accessory structure on any property zoned for a single family detached dwelling owned or occupied by a caregiver as his or her residence.

Mr. Rice introduced the request.

Ms. Jenkins stated the State Code Section 15.2-2292.1 has been amended to require localities to allow temporary healthcare structures by right in districts where single family residences are permitted. In order to comply with this state code requirement staff has proposed an ordinance amendment to Section 10-41 entitled "Supplement district regulations". The amendment includes conditions that must be met in order

There being no further comments public hearing is closed.

On a motion by Mr. Haynes, seconded by Mr. Seitz , and carried by a 9-0 vote the Planning Commission recommended approval of an ordinance amending Chapter 10 entitled Zoning, Section 10-41 of the Code of the County of Montgomery, Virginia by defining what parking uses are permitted as an accessory use and what parking uses are only permitted by special use permit in community and general business zoning districts with a revision to the proposed language to include "guests of the tenant" as allowed parking.

Request by Bryan J. Katz & Katie R. Katz for a special use permit on 1.653 acres in Community Business (CB) zoning district, with possible conditions, to allow parking of commercial vehicles over five (5) tons. The property is located 3653 Peppers Ferry Road; identified as Tax Parcel No. 064-A-92, (Account No. 002869) in the Riner Magisterial District (District B). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Mixed Use within the Belview Village Plan.

Mr. Rice introduced the request.

Mrs. MacLean stated Mr. Katz was requesting a special use permit to allow parking of commercial vehicles. This special use permit request coincides with the ordinance amendment previously discussed. She reviewed the location of the property. Mr. Katz is proposing to park five (5) commercial vehicles in excess of five (5) tons. The rezoning request was recommended for approval and the board of supervisors is scheduled to render a decision. Mr. Fronk, PSA Director, has stated he is concerned regarding a clean out on the property; however, he has spoken with Mr. Katz in efforts to resolve that potential concern. The special use permit request does not appear to be in compliance with the Belview Village Plan. There are items to be considered that would mitigate some of the impacts. She reviewed some of the conditions such as a natural vegetative buffer consistent with a type 3 buffer along the parking area on the east side of the property. She discussed the differences in the buffer yard requirements.

Mr. Seitz noted the church uses the parking lot as overflow so additional landscaping could prevent them from utilizing the parking area.

Ms. Jenkins stated that once the site plan is submitted more details can be considered. Landscaping can be designed to be creative to allow access but meet the intent of the ordinance.

Mr. Rice stated the reason the use is not stated as allowed in the comprehensive plan could be that the use was never allowed before.

Mrs. MacLean stated that the village plan discusses rural nature and conformance with surrounding rural areas, which did not seem to fit this proposed request.

Ms. Jenkins stated this was the first request of this nature and there are things that are not compatible with the surrounding residential area.

Mr. Lau stated night lighting will need to be installed on the property.

Mrs. MacLean stated that there are ordinance requirements to prevent glare onto adjoining properties. The light can be shielded.

Mr. Donahue asked why the dustless surface is required.

Mrs. MacLean stated the dustless surface is required at the site plan approval process.

Mr. Rice opened the public hearing.

located at 3913 South Main Street, and is identified as Tax Parcel No(s). 67-A-160A (Acct Nos. 024322), in the Shawsville Magisterial District (District B). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan.

Mr. Rice introduced the request.

Ms. MacLean stated the applicant was requesting a special use permit on property zoned general business and designated as urban expansion in the comprehensive plan. She presented photos and video of the property. The upper level of the building is currently occupied by Cardinal Blueprinters. The request includes a 24x60 modular construction office and two (2) 8x40 storage units as an accessory use to the contracting office. All materials will be stored inside the structures. The office hours will be between 6am-5pm and serve 2-10 employees. The office is intended for use by the project manager to direct operations and storage of supplies. The site is consistent with the comprehensive plan. Section 10-44(2) will require a durable and dustless surface be provided. Consideration of a buffer may be considered since it is located within view of the 460 by-pass. VDOT has stated no upgrade to the commercial entrance will be required.

Mr. Wells noted that in regards to screening, since the bypass is higher than the property screening may be difficult.

Mr. Rice opened the public hearing.

Mr. Ricky Davis, Comfort System USA Contractor, stated his company sent him to open an office in this area from Richmond. Currently, the company has contracted jobs at VA Tech. There will be some employees at the construction office; however, the majority of field employees will park at the university and be bused to the job site. This is a temporary office; however, may turn permanent at which time a site will be pursued to construct a more permanent office. The proposed storage buildings will be used for storing job materials and will be neat in appearance.

Mr. Haynes asked where the sheet metal work takes place.

Mr. Davis stated the sheet metal comes from the plant in Richmond.

There being no further comments the public hearing was closed.

Mr. Rice stated the use was appropriate for the area.

On a motion by Mr. Haynes, seconded by Mr. Miller and carried by a 9-0 vote the Planning Commission recommended approval of the request by B&C Investors, LLC for a Special Use Permit (SUP) on approximately 1.84 acres in a General Business (GB) zoning district to allow a contractor's office and storage yard with the following conditions:

1. This special use permit authorizes use of the property for a contractor's office and accessory storage and shall substantially conform to the concept plan submitted on October 1, 2010 included with application materials.
2. A detailed site 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.
3. Any change from the existing use of the property shall require approval and compliance with all applicable VDOT regulations.
4. No more than ten (10) employee vehicles associated with the contractor's office shall be parked on the property at any given time.
5. There shall be no outdoor storage of tools or machinery on the property.

An ordinance amending Chapter 10 Entitled Zoning, Section 10-37 of the Code of the County of Montgomery, Virginia by amending the Flood Damage Prevention Overlay to modify the language of the ordinance as it relates to modification, alteration, repair, reconstruction or improvement of any kind to existing structures located in any floodplain areas to an extent or amount less than fifty (50) percent of its market value. (TABLED 10/20/10)

On a motion by Mr. Haynes, seconded by Mr. Miller and unanimously carried the item was removed from the table for discussion.

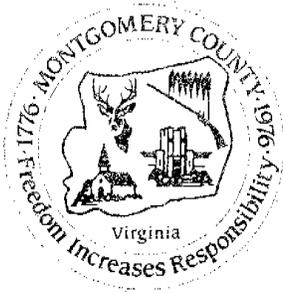
Ms. Jenkins stated she had contacted eight (8) insurance agencies to discuss the proposed flood ordinance amendment. One agent stated there should not be a requirement to elevate an addition because there has not been an increase in the potential for loss. Five agents stated the lowest elevation was considered for determining an insurance premium, so the addition would not affect insurance. The others did not offer flood insurance. Conflicting information from the DCR and the Virginia Statewide Building Code has been obtained regarding the requirement to elevate the addition. She discussed the information received. Since receipt of the information she has not been able to speak to a representative from DCR.

On a motion by Mr. Thum, seconded by Mr. Haynes and carried by a 9-0 vote the Planning Commission tabled the ordinance amending Chapter 10 Entitled Zoning, Section 10-37 of the Code of the County of Montgomery, Virginia by amending the Flood Damage Prevention Overlay to modify the language of the ordinance as it relates to modification, alteration, repair, reconstruction or improvement of any kind to existing structures located in any floodplain areas to an extent or amount less than fifty (50) percent of its market value.

NEW BUSINESS:

There was no new business to be discussed.

There being no further business, the meeting was adjourned at 9:20 pm.



MONTGOMERY COUNTY PLANNING & GIS SERVICES

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

MEMORANDUM

TO: Planning Commission
FROM: Planning Staff *[Signature]*
DATE: January 3, 2011
RE: **SUP Request Update (SU-2010-08392)**

A request by **William Mark King, II & Carolyn D. King** for a special use permit on 7.217 acres in an Agricultural (A-1) zoning district to allow a contractor's storage yard. The property is located at 3070 Seven Mile Tree Road and is identified as Tax Parcel No. 104-1-12 (Acct # 023225) in the Riner Magisterial District (District D). The property currently lies in an area designated as Rural in the 2025 Comprehensive Plan.

All adjoining property owners were notified in compliance with the Code of Virginia and Section 10-52(3) of the Montgomery County Code. At the time this report was issued, staff had received inquiries from two adjoining property owners requesting further information on the details of the case.

Additionally, staff has spoken with the applicants since the last report was issued. Based on information provided by Mr. and Mrs. King, staff is modifying the conditions associated with the previous recommendation. The revised recommendations are listed below for review and consideration.

VI. Staff Recommendation

Staff preliminarily recommends approval of this request as submitted by William Mark King and Carolyn D. King for a special use permit to allow a Contractor's Storage Yard with the following conditions:

1. This special use permit authorizes use of the property for a landscape contractor's storage yard and shall conform to the Site Plan included within application materials submitted October 28, 2010. No retail sales of any nature shall be permitted on the property.
2. No more than four (4) employee vehicles, associated with employees of the business who do not reside on the premises, shall be parked on the property at any given time.



**William Mark King II
Request For
Special Use Permit**

(Parcel ID: 023225)

Legend

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

**Eastern Property Line
Buffer
(Proposed)**



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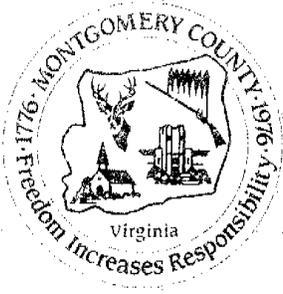
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MONTGOMERY COUNTY PLANNING & GIS SERVICES

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

MEMORANDUM

TO: Montgomery County Planning Commission

FROM: Jamie Rogers MacLean, CZO, CFM
Development Planner

DATE: January 3, 2010

SUBJ: Proposed Subdivision Ordinance Amendment(s)

Based on the guidance provided by the planning commission, staff has been working on amendment(s) to the Chapter 8 of the Montgomery County Code, specifically sections 8-111, 8-136, 8-137, 8-150, 8-152, 8-153, 8-171, and 8-201.

The proposed amendments will modify the requirements of the existing ordinance and result in the following changes.

- Amend the definition(s) of the following terms: remainder, family subdivision, and major subdivision
- Require fees associated with the existing county street naming policy
- Require planning commission and board of supervisors approval of exterior line changes that could result in the creation of additional lots
- Decrease the amount of surety bonding subdivision improvements
- Require VDOT review and approval of any plat showing a private access easement serving more than two lots
- Set forth requirements for where private on-site sewage disposal systems in family and minor subdivisions may be located
- Amend the circumstances that dictate when a subdivision does not require a survey and what information is required on the sketch which is provided in lieu of the survey
- Increase the number of copies of a preliminary plat of a major subdivision to be submitted and by additional information to be noted on preliminary and final plats
- Increase the time period a preliminary plat is valid
- Require submission of a digital copy of the final plat
- Incorporate the county street naming policy into the subdivision ordinance

Copies of the proposed amendment(s), in ordinance form, were sent to a listing of approximately forty-five surveying and engineering professionals who frequently do work in Montgomery County. At the time this report was issued staff had not received any comments on the proposed amendments.

Copies of the proposed amendment(s), in ordinance form, are enclosed for review.

Enclosure(s): Proposed Amendments

Commission or planning commission means the Montgomery County Planning Commission.

Construction plan means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of this article as a condition of the approval of the plat.

Cul-de-sac means a street with only one (1) outlet and having an appropriate turnaround area for a safe and convenient reverse traffic movement.

Easement. The definition of "easement" shall be deemed that recognized by law.

Engineer shall mean a professional engineer licensed for practice under Chapter 4, Title 54.1 Code of Virginia.

Escrow account means a deposit of cash or a certified check with the local government in lieu of actual construction and maintenance of required improvements as specified in this article.

Improvement means any street, street sign, drainage ditch, water line, sewer line, park or other facility.

Jurisdiction means the area or territory subject to the legislative control of a local government.

Letter of credit means an irrevocable guarantee of payment sufficient to cover the cost of constructing and maintaining required improvements, if the subdivider fails to do so.

Local government attorney means an attorney designated by the board of supervisors.

Lot means any parcel of land created by subdivision, including any parcels to be retained by the current owner.

Plat means and includes the terms "map," "plan," "plot," "replat," or "replot." A map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

Public service authority means the county public service authority.

Public sewer system or *public water system* means those public sewer systems or public water systems provided for public use.

Remainder means ~~a-one~~ lot of a subdivided property that is ~~not to be offered for immediate sale and that is twenty (20)~~ **fifty (50)** acres or larger.

Right-of-way. The definition of right-of-way shall be deemed that recognized by law.

Street means a highway, street, avenue, boulevard, road, lane, alley or any way which provides ingress and egress.

Street, private means any street that is unmaintained or is maintained by a private organization or individuals.

Street, public means a street that provides unrestricted ingress and egress by the public, and which is maintained by the Virginia Department of Transportation or by a municipality.

Subdivider means any person, corporation, partnership, or other entity owning any tract, lot or parcel of land to be subdivided.

Subdivision means the division of a parcel of land into two (2) or more lots, tracts, or parcels for the purpose, whether immediate or future, of transfer of ownership or building development.

Subdivision, family, means a single division of a lot or parcel for the purpose of a sale or gift to a member of the immediate family. **For the purpose of this subsection, a member of the immediate family is defined as any person who is naturally or legally defined as offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent,** (as defined by the Code of Virginia) of the property owner.

Subdivision, major means any subdivision that:

- (1) Creates eleven (11) or more lots or tracts;
- (2) Requires construction of a new street; or

Sec. 8-150. Generally.

(a) All improvements required by the provisions of this article for a subdivision as platted shall be installed thereon and therein at the expense of the subdivider, his successors and assigns, and pending such installation thereof and acceptance thereof for the purpose of maintenance by a governmental entity, the subdivider, his successors and assigns shall furnish, prior to approval of the final plat, an irrevocable and continuing bond, escrow account or letter of credit in an amount approved by the agent, equal to one hundred ~~twenty-five (125)~~ **ten (110)** percent of the estimated costs of such improvements calculated pursuant to all applicable standards, with corporate surety with a company authorized to do business in the state or other equivalent security acceptable to the agent guaranteeing that the required improvements will be properly completed and maintained as required by this article. This amount is intended to cover the estimated cost of construction and administrative costs to the county. In lieu of posting a bond, escrow account or letter of credit to cover construction costs, the subdivider may construct required improvements prior to approval of the final plat. A bond for maintenance costs may still be required.

(b) The subdivider shall provide an estimate of the total costs of necessary improvements, certified by a licensed engineer. If the subdivider's bond, escrow account or letter of credit is to be renewed for an additional period of time, the agent may require a new estimate certified by a licensed engineer.

(c) In cases where specifications have been established by local ordinances and codes, such specifications shall be followed. The subdivider's bond, escrow account or letter of credit shall not be released until construction has been inspected and approved by the agent and/or the county engineer. Any improvements intended for ownership and maintenance by an agency or public utility must have been approved and accepted by the appropriate agency or public utility prior to the release. A partial release may be granted as provided for under section 8-188.

Sec. 8-152. New streets.

(a) *Public streets.* New public streets are permitted in all subdivisions. Public streets shall be designed and constructed in accordance with the minimum standards of the Virginia Department of Transportation, except that the surface pavement layer shall be asphalt concrete. All site related improvements required by VDOT or the county for vehicular ingress and egress, including but not limited to traffic signalization and control shall also be designed and constructed in accordance with the minimum standards of Virginia Department of Transportation. Street construction plans must be approved by the Virginia Department of Transportation prior to approval of the final plat.

(b) *Private streets.* In order to promote efficient utilization of land, or to reduce the number of access points to public streets, the board of supervisors may permit construction of private streets so long as such streets are not likely to inhibit future development of adjacent land. Private streets may be permitted in the following types of developments:

(1) *Commercial or industrial developments.* Approval will be based upon review of an access plan that shall include construction specifications, as well as a maintenance plan or agreement.

(2) *Townhouse developments.* Streets shall be surfaced with bituminous concrete. Approval will be based upon review of an access plan that shall include construction and pavement specifications, as well as a maintenance plan or agreement.

(3) *Single-family housing developments.* Private streets may be permitted only if the subdivision has a median lot size of three (3) acres or greater, and a length of street per lot ratio of one hundred fifty (150) feet per lot or greater. Such streets shall have a maximum grade of

state-controlled highways as defined by the Virginia Department of Transportation Traffic Impact Analysis Regulations Chapter 155, 24 VAC 30-155, et seq. The data and analysis contained in the traffic impact statement shall be acceptable to VDOT and comply with VDOT Traffic Impact Analysis Regulations 24 VAC 30-155-60 and this article. The subdivider shall submit to the agent three (3) copies of the traffic impact statement and a check made payable to VDOT to cover the review fees charged by VDOT to review the traffic impact statement. The agent shall forward the traffic impact statement along with the review fees provided by the subdivider to VDOT within ten (10) business days of receipt of a complete subdivision proposal.

Sec. 8-153. Water and sewage facilities.

(a) If the boundary of the subdivision lies within two hundred (200) feet of a public water or public sewer system, the subdivider shall make the necessary improvements to connect all lots to such systems; provided that any necessary easements can be secured either by the subdivider or the utility, and that the public utility has the capacity needed to serve the subdivision. The board of supervisors may permit an exception to this requirement if connection to a public system can only be achieved by crossing a highway, railway, or stream or by connection to a force main sewer line. If the subdivider intends to provide a private water system or private sewer system, the subdivider shall submit construction plans and specifications therefore, and such shall be subject to the bond and other security provisions guaranteeing construction and maintenance provided elsewhere in this article. All construction plans must be approved by the appropriate agency prior to the approval of the final plat.

(b) If there are no plans to extend public sewer or approved private sewer to the subdivision, the agent or the board of supervisors shall not approve the final plat until the subdivider provides a written statement from the health department certifying the suitability of the subdivision for private on-site sewage disposal systems. Such certification shall state that soil evaluations have been performed and that each lot to be served by a private on-site sewage disposal system meets health department requirements for such a system. The following types of lots are exempt from this requirement:

(1) Remainders, as defined in this article;

(2) Lots intended to contain only an existing structure with an existing approved septic system; and

(3) Lots that are to be used only for special purposes that do not require human presence, such as power substations, radio towers, pump stations, etc. A note shall be included on the plat to specify the use of such a lot and to state that it is not approved for construction of any occupied structure.

~~(bb)~~(c) When private on-site sewage disposal systems are used in major subdivisions, each private system shall be located either within the lot it intends to serve or within green space set aside under compact development option of the zoning ordinance.

(cc) When private on-site sewage disposal systems are used in family or minor subdivisions, each system shall be located within the lot it intends to serve, within green space set aside under compact development option of the zoning ordinance, or shall have deeded access for the purpose of maintaining the sewage disposal system.

(e) (d) Within flood prone areas all public water systems and public sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

- (5) The location of the proposed subdivision by an inset map at a scale of not less than two (2) inches equal one (1) mile, showing adjoining roads, their names and numbers, towns, subdivisions, true north arrow and other landmarks.
- (6) Location of the property by tax parcel map number, parcel ID number, zoning district magisterial district, north arrow, with source of meridian, date of drawing, number of sheets and graphic scale.
- (7) Location and dimensions of property lines, location of building setback lines, total acreage, acreage of subdivided area, acreage of dedicated right-of-ways, number and approximate area and frontage of all lots, existing buildings within the boundaries of the tract and names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
- (8) All existing, platted and proposed streets, their names, numbers and widths; existing utility or other easements; public areas; culverts, drains and watercourses and their names; and other pertinent data.
- (9) All parcels of land to be dedicated for public use and the conditions of such dedication.
- (10) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
- (11) Provisions for collection and discharging surface drainage.
- (12) Location of any lot to be designated as a remainder, as defined in this article.
- (13) Any additional data deemed necessary by the agent, such as topography.
- (14) Table listing acreage and frontage for each lot.
- (15) Table of assignment of lots under sliding scale, if applicable.
- (16) Location of lands within the one hundred-year floodplain and base flood elevations when required.
- (17) Location of any grave, object or structure marking a place of burial.
- (18) Street names and addresses of lots assigned by the County.**
- (19) Whenever a lot or tract involved in a subdivision is within an agricultural and forestal district a note shall be placed on the plat and on the deeds of subdivision stating "The property depicted hereon lies within an agricultural and forestal district and shall abide by the requirements set forth in section 2-41 of the Montgomery County Code. This property is not eligible for subdivision until (district renewal date), and shall only be eligible for division if the lot or tract is removed in accordance with Montgomery County Code."**
- (20) Whenever a lot or tract involved in a subdivision is within a conservation easement, a notation shall be placed on the plat identifying the lots or tracts affected.**
- (21) Whenever a lot or tract involved in a subdivision is within the dam inundation zone, a notation shall be placed on the plat identifying the lots or tracts affected.**
- (22) Location of all drainage easements, utility easements, sewer lines, water lines, gas lines, power lines, manholes, or fire hydrants.**
- (23) Whenever a lot or tract involved in a subdivision has a Special Use Permit, Rezoning, or Variance associated a notation shall be placed on the plat identifying the lots or tracts affected. The notation shall provide the date of approval for the Special Use Permit, Rezoning, or Variance with any applicable proffers or conditions listed on the plat.**

(18) (24) Whenever a subdivision is to be served by private streets or private access easements a note shall be placed on the plat and on the deeds of subdivision stating "The streets and/or

(14) Location of all drainage easements, utility easements, sewer lines, water lines, gas lines, power lines, manholes, or fire hydrants.

(15) Whenever a lot or tract involved in a subdivision has a Special Use Permit, Rezoning, or Variance associated a notation shall be placed on the plat identifying the lots or tracts affected. The notation shall provide the date of approval for the Special Use Permit, Rezoning, or Variance with any applicable proffers or conditions listed on the plat.

(14) **(16)** Whenever a subdivision is to be served by private streets or private access easements a note shall be placed on the plat and on the deeds of subdivision stating "The streets and/or private access easements in this subdivision do not meet the standards necessary for inclusion in the system of state highways and shall not be maintained by the department of transportation or the County of Montgomery and are not eligible for rural addition funds or any other funds appropriated by the General Assembly of Virginia and allocated by the commonwealth transportation board".

(aa) If a proposed subdivision is using the family exemption provision, in addition to the above requirements, the following must also be included:

(1) A note stating "Approval of this subdivision is subject to the condition that the parcel subdivided can only be conveyed to a member of the immediate family as set forth in Montgomery County's Subdivision Ordinance, as amended, and the Code of Virginia, as amended. Conveyance to any other person or entity not an immediate family member voids approval. This restriction does not apply to subsequent reconveyance".

(2) Signed affidavits that are available in the county planning department stating that the family subdivision is for the passing of real property interest from one family member to another, rather than for the purpose of short-term investment.

(3) A copy of the proposed deed(s) conveying the property from one family member to the other.

(4) A description of the family relationship in the consent statement or the following shown and notarized on the plat: "I _____, do hereby verify that _____ is my legal _____. New tract _____ is being conveyed to _____."

(b) When all requirements of this article have been met, the agent shall sign the plat to indicate that it is approved for recordation.

(c) It shall be the responsibility of the subdivider to file the approved final plat with the office of the clerk of the appropriate court within six (6) months after final approval; otherwise, the agent shall mark such plat "void" and notify the office of the clerk of the appropriate court. At the same time of filing of the final plat, the subdivider shall record the agreement of dedication and such other legal documents as the local government attorney requires to be recorded.

Sec. 8-201. Street names.

(a) All street names within the unincorporated areas of the county shall be approved by the board of supervisors. Proposed streets, which are obviously a continuation of other existing and named streets, shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing names, irrespective of the use of the suffix "street," "avenue," "boulevard," "driveway," "place," "lane" or "court." Street names shall be indicated on all plats of survey. Names of existing streets shall not be changed except by approval by the board of supervisors.



Montgomery County Planning & GIS Services 2010 Annual Report

Planning Commission

Chair:

Bryan Rice

Vice-Chair:

William Seitz

Secretary:

Ryan Thum

Members:

Joel Donahue

Walt Haynes

Frank Lau

Robert "Bob" Miller

John Tuttle

Malvin "Pug" Wells

John Muffo (BOS Liaison)

Board of Zoning Appeals

Chair:

Richard M. DiSalvo, Jr.

Vice-Chair:

Michael V. Reilly

Members:

Richard M. Barnett

Thomas E. Heavener

William Stephen Howard

C.P. "Chuck" Shorter

David Moore (Alternate)

T.C. "Joe" Powers

(Alternate)

AFD Advisory Committee

Chair:

Britt A. Boucher

Members:

John Garrett

Thomas A. Loflin

William McElfresh

Richard J. Obiso, Jr.

William F. Pack, III

Robert J. Styne

Robert 'Bob' Miller

(PC Rep.)

James D. Politis

(BOS Rep.)

2010 Planning & GIS Services Major Projects

Land Development Office (LDO):

Land Development Office (LDO) was implemented in the Building Inspections and Planning Departments in early 2007. Staff has continuously worked with ACS Government Solutions to update and make enhancements to the software system. Phase 2 which included a major enhancement for inspections field work, the inclusion of sign permits, and the inclusion for the site plan process was completed in June 2010. Additional LDO field software has been purchased and scheduled for customization in 2011. This software will provide a more efficient and effective utilization of LDO during field inspections and site visits. Preliminary work has begun on the next phase of development which will include web functionality. Once completed citizens, contractors, and other interested parties will have the ability to obtain application/permit/code compliance information, request inspections, and submit applications and/or code complaints via the internet. Introductory and advanced classes for county employees continue to be offered as part of the Montgomery County Career Advancement Program (McCAP).

PIPA Pipeline Grant:

Staff has worked as a National Association of Counties (NACO) representative on the Planning and Informed Pipeline Alliance (PIPA) since 2008. The PIPA initiative seeks to increase communication between key stakeholder groups involved in local and regional planning and construction in addition to pipeline operators and all levels of government. Approximately 130 stakeholder participants undertook the work to develop the PIPA recommended practices. Montgomery County Staff received a technical assistance grant from USDOT to improve communication with pipeline operators and enhance GIS capability related to the pipeline and develop emergency response plans. The initial PIPA effort has resulted in recommended practices for local governments, property developers and owners, transmission pipeline operators, and real estate boards to be aware of and to implement as appropriate. PHMSA plans to continue working with stakeholders to ensure that a sound implementation strategy is developed and that the PIPA recommended practices are communicated to and understood by those that need to adopt them. The report is available at the following website www.pipelineinformedplanning.com. As part of his participation in this project, Mr. Sandy has made presentations at the American Planning Association National Conference in (Minneapolis, MN), VAZO Fall Conference (Roanoke, VA), and the Pipeline Safety Trust Annual Conference (New Orleans, LA).

UDA Grant:

Montgomery County was awarded a \$150,000 grant from the Virginia Department of Transportation (VDOT) to work with planning consultants to designate Urban Development Areas (UDA) in the county and update our comprehensive plan, as well as zoning and subdivision ordinances. This work is scheduled to be completed by late summer 2011 in order to comply with state mandates and grant requirements. As part of this project, Mr. Sandy has presented at the Virginia Rural Planning Caucus Annual Conference at Mountain Lake Resort in Pembroke Virginia.

Storm Ready:

On November 8, 2010, Montgomery County was declared a "Storm Ready" community by the National Weather Service. A "Storm Ready" community is one which has equipped itself with an action plan as well as multiple modes of notification sending and receiving information, in case of severe weather. Before a community can be designated "Storm Ready" it must meet specific criteria, which is reviewed and verified by an advisory board comprised of National Weather Service warning coordination meteorologists, and state and local emergency managers. "Storm Ready" counties and communities help save lives through preparedness and awareness.

2010 Annual Report

Board of Zoning Appeals

Case Number	Property Owner	Request	Outcome
VAR-2010-07574	Evelyn Blake	Reduced side setback	Approved w. conditions
VAR-2010-07846	Mitchell Albert	Reduced front setback	Approved w. conditions
VAR-2010-07920	T. Wayne Clark	Appeal	Zoning Administrator decision upheld
VAR-2010-07932	Nancy Miller Caldwell	Reduced rear setback	Approved w. conditions
VAR-2010-08425	Curtis Loveday	Reduced front and rear setbacks	Pending

Comprehensive Plan Amendments: Upon the recommendation of the Planning Commission, the Board of Supervisors voted to approve an amendment to the 2025 Comprehensive Plan Future Policy Map and Shawsville Village Policy Map designations for 63 acres located immediately adjacent to Ryan Road. This amendment removed the property from the Shawsville Village and changed the future land use designation from Low Density Residential (Shawsville Village) to Resource Stewardship. The Board of Supervisors approved the amendment in December 2010.

GIS Department 2010 Activities: Montgomery County GIS Services provides standard and specialized mapping, GIS analytical services, and end user application training and support to our citizens, internal departments, constitutional offices, and state agencies. The department handles daily mapping needs for many County affairs. Some of the more significant projects of 2010 are:

- . Billboard field investigation and creation of GIS layer
- . General signage field investigation and creation of GIS layer
- . Mobile Home Park street naming and addressing
- . Pipeline field investigation and update and creation of GIS layers
- . LDO updating of pipeline, village area, and floodplain parcels
- . Landuse Capability Classification (LCC) soils identification and mapping for Commissioner of Revenue
- . US Census address field investigation and mapping updates
- . Regional 911 Authority proposed radio system propagation mapping
- . Virginia Utility Protections Service permit data exporting
- . ICARE property website GIS map creation
- . LDO enhancements and revisions including GIS map viewer activation
- . General Real Estate Reassessment support (Pictometry/GIS)
- . LDO Permitting Report for County Auditors
- . GIS Crime mapping and Wireless Mapping Display application support for Sheriff's Office
- . GIS and mapping support for Emergency Medical Services
- . GIS and mapping support for Economic Development, County Administration, and Parks and Recreation
- . VGIN LIDAR projection participation

Zoning Ordinance Updates:

Several sections of the zoning ordinance were reviewed and revised this year including: the Floodplain Management Overlay District (Sec. 10-37) and parking requirements in business districts. We will continue to work on landscaping, signage, temporary healthcare structures, and UDA amendments in 2011.

Agricultural and Forestal Districts:

The Agricultural and Forestal Advisory Committee met in August 2010 to review the addition of approximately 20 acres owned by Macon C. Sammons to Agricultural and Forestal District 6. The Board of Supervisors approved the addition in October 2010.

NRVPDC Project Collaboration:

Montgomery County Planning staff has collaborated with the New River Valley Planning District Commission on the update of the 2000 Bikeway Walkway Plan, and the Hazard Mitigation Plan. Staff has also worked with the PDC on the writing of the Green Infrastructure Plan, Rural Long Range Transportation Plan, and Regional Water Supply Plan for the New River Valley. Planning staffs from Montgomery County and other jurisdictions hosted a Planning Commissioners training event on the topic of land use applications for new energy technologies in the spring of 2010.