

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON APRIL 13, 2011 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  
Joel Donahue, Member  
William Seitz, Member  
Frank Lau, Member  
Malvin Wells, Member  
Robert Miller, Member (late arrival)  
John Tuttle, Member  
Mary Biggs, Board of Supervisors Liaison Alternate  
Marty McMahan, County Attorney  
Steve Sandy, Planning Director  
Dari Jenkins, Planning & Zoning Administrator  
Jamie MacLean, Development Planner  
Brea Hopkins, Planning & Zoning Technician

Absent: Walt Haynes, Vice Chair  
John Muffo, Board of Supervisors Liaison

**APPROVAL OF AGENDA:**

On a motion by Mr. Thum, seconded by Mr. Tuttle unanimously carried the agenda was approved as amended by placing new business prior to the work session on the agenda.

**PUBLIC ADDRESS:**

Mr. Rice opened public address.

Mr. Danny Young, Totem Lane, noted his concerns regarding roads and the additional traffic that would be generated by the Huckleberry Ridge development.

Mr. Sam Linkous, 960 Hightop Rd, stated he was concerned regarding the proposed Huckleberry Ridge development due to insufficient access to the property and the additional traffic that would be in the area.

Ms. Thelma Maltoney, 1231 Totem Lane, stated she was opposed to the Huckleberry Ridge request due to an increase in traffic and safety hazards with the entrance. There is not sufficient sight distance at either proposed entrance. She stated that all residents in Merrimac oppose the request. 121 people have signed a petition in opposition to the request. The development is too large for the area.

Mr. Junior Linkous, 549 Merrimac Rd, stated the highway is not planning to upgrade the roads and the current traffic is an issue.

Mr. Steve Spradlin, 1553 Oilwell Road, presented a copy of his comments. He discussed the comprehensive plan sections that do not support the development, including PLU 1.8. This development would not be a seamless transition. The proposal includes "left over" lands which should not be used as open space. The developer has admitted their design would only allow for 37 lots based on the topography of the property.

Mr. Joe Meredith, Corporate Research Center, stated he supported the development of Huckleberry Ridge. The Corporate Research Center is dedicated to recruiting high-tech companies and is currently under expansion. The completion of the next phase will increase the employment. Having high-quality housing near the center will benefit the entire area. He noted he also serves on the Board of the Montgomery Regional Hospital, and doctors would also be attracted to this type of development.

Ms. Ruth Dowdy, Hightop Road, stated she had met with the developers but they did not tell the entire community everything regarding the proposed development. They spoke to all the fine qualities of the development; however, they did not address the safety issues of the residents. Road upgrades are necessary. The proposal has too many units and will cause too much additional traffic in the community.

Ms. Abby Linkous, Council Lane, stated the people that support this request do not travel the roads every day. There are safety concerns.

Ms. Stevens, 848 Martin Drive, noted her concerns regarding the traffic and school overcrowding issue. Kipps Elementary currently uses trailers.

There being no further speakers; the public address session was closed.

## **PUBLIC HEARINGS:**

A request by Chad and Lisa Vaught (Agent: Rich Rosenfeld) for a Special Use Permit on approximately 17.193 acre parcel in an Agriculture A-1 zoning district to allow a 100 ft. telecommunications tower. The property is located at 3153 Pandapas Pond Road, known as the Fountain Mobile Home Park, approximately 2300 feet west of the intersection of Pandapas Pond Rd. (Route 460) and Brush Mountain Rd. (Route 777), and is identified as Tax Parcel No. 29-A-49 (Acct #020041) in the Prices Fork Magisterial District (District F). The property currently lies in an area designated as Residential Transition in the 2025 Comprehensive Plan.

Mr. Rice introduced the request.

Mrs. MacLean reviewed the location of the proposed tower and the related maps. The property lies within an area designated as residential transition within the comprehensive plan. The site lies within an existing mobile home park. Traffic will be limited to the site and VDOT has indicated no entrance upgrades will be required. The FAA report and NEPA report indicate the tower will not pose a hazard or have adverse environmental impacts. There are no historical properties in the area that would be detrimentally affected. The tower is proposed to be a monopole structure with flush-mounted antennas, painted in a neutral color, and will not be lighted unless required by FAA. A rubberized coated fencing and tree plantings are proposed; however, a wooden fence may be considered. The tower is proposed to be 100 ft. in height. A view shed analysis has been conducted. She presented photo simulations of the proposed tower. The applicant has stated that collocation opportunities will be provided and Emergency services will have a location opportunity. The request does present a need to balance aesthetic desires of citizens with the need for adequate cellular telephone coverage in the County. If the need for a new tower in this area is determined, the Planning Commission and Board of Supervisors must try to mitigate negative impacts for the newly constructed tower to comply with the County's policy on communications towers. Since the proposed lease area is located less than 100 ft. from the closest mobile home unit a fall radius should be considered. Some property owners in the area have expressed concerns and opposition regarding the request.

Bob Miller arrived at 7:30 pm.

Mr. Rice stated the chain link would better prevent vandalism.

Mrs. MacLean stated both fences would be approximately 9 ft. high. The wooden fence would provide additional aesthetic value.

Mr. Mike Pace, attorney for AT&T, stated that he was aware that there are some concerned residents that have submitted letters of opposition. AT&T presently has 29 sites in Montgomery County and of those, 22 are co-location sites. AT&T provides a service in the county and has consistently tried to comply with the county's comprehensive plan policies. A tower request was submitted previously to locate a tower within Brush Mountain Estates for NTELOS. NTELOS relocated to another site in close proximity; however, could not provide co-location for AT&T. He discussed the propagation maps. This site will not provide service to Giles County. It does connect a gap in service between two sites located in the county. It is a piece of an ultimate goal to connect service from Blacksburg to Princeton; however, this site will serve Montgomery County. Due to topography, it is not feasible to serve Giles from this site. NEPA and the FAA stated the tower is not a hazard. Other sites that have been explored lie within a 2 mile radius including the 45' water tank which is too low, power poles lie within a conservation easement, the forest service tower is too high and too far away. The impact to view shed is the only issue with the proposed tower. A 100' monopole which is barely above the trees is as good as it gets. The tower still provides coverage but protects the view shed. This is a

challenging portion of Route 460 to cover. The fence type is flexible. The request complies well enough with comprehensive plan and meets all ordinance requirements; therefore should be approved.

Mr. Seitz noted that there was little coverage added with the new tower. Is the issue providing coverage or capacity?

Mr. Pace stated that topography has prevented coverage in the area. The goal is to provide coverage within a 2 mile radius.

Mr. Rosenfield, AT&T, stated the site is for coverage and capacity. Calls are frequently dropped and there is a lot of call volume in the area. The tower allows for calls to not be dropped and to carry excessive volumes.

Mr. Rice opened the public hearing.

Ms. Renee Boyer, stated she was strongly opposed to the request and submitted petition of 55 signatures. More neighbors were opposed but did not have sufficient time to react. Very few residences received notices. She noted her concerns regarding property values, and views. No new towers have been built within a residential neighborhood since the comprehensive plan policy development. This site is surrounded by three (3) neighborhoods. The request does not comply with the Montgomery County or Town of Blacksburg comprehensive plan. She stated that she is a current AT&T customer and has not had issues with service. AT&T gains very minimal coverage with the addition of this site.

Mr. Randall Hancock, representing Brush Mountain Estates, noted his concerns regarding the proximity of the tower to a future subdivision. If constructed, the tower would be located less than 25-50 feet from the lots. Property values will be affected and lots will not be desirable. The owners are requesting the site because they get a profit. Given the previously denied request, it is only fair they not be able to capitalize on this request.

Ms. Julie Falon, Gordon Drive, stated aesthetics are a huge issue and she strongly opposed the request. This type of development is not for Brush Mountain, Preston Forest, or Coal Bank Ridge.

Ms. Ann Price, Brush Mountain Estates, stated she was not opposed to towers; however, this is not the appropriate location. AT&T customers have adequate coverage in the area. The applicant has not clearly identified or documented the need for the tower. The transient population are the primary benefactors. Other sites are available. The Harding Road location was abandoned and this site was chosen in its place. The tower is inconsistent with the county comprehensive plan and the regional approach to telecommunication towers. This is the least preferred siting in the comprehensive plan. Blacksburg opposes the location. The Agricultural (A1) zoning district supports conservation.

Ms. Erin Daugherty, Gordon Drive, stated she opposed the tower due to visual impacts and potential radiation issues.

Ms. Nancy Corvin, Brush Mountain West, stated the site is clearly visible from the Town of Blacksburg. Tree loss is an issue and as it continues to occur the tower would be more visible. People pay attention to the location of towers and it will devalue the property.

Mr. Brian Leeson, Bel Air Drive, stated he was opposed to the request and the photo simulation does not accurately reflect the views based on the balloon test today.

Mr. Randall Price, Bel Air Drive, noted he was opposed to the SUP request and had opposed the tower requested five (5) years ago. Cell towers are visually intrusive. They cannot be hidden regardless of the paint color.

Ms. Margaret Love, 258 Brush Mountain Road, stated she was opposed because the tower will be visible from her property. The tower will cause property values to decrease and other safety issues.

Mr. Seitz asked about the size of the cut area and how many collocations could be provided on the tower.

Mr. Pace stated the cut area is 20 feet by 50 feet. The 50 feet is parallel to the road. There will be at least one collocation either for EMS or another carrier. Planning commission makes recommendations in regards to policy. There is only one issue which is view shed. This is a balance approach between policy and view shed. Route 460 is an important route through the county and needs cell phone coverage.

Mr. Rice closed the public hearing.

Mr. Thum noted that under federal law the commission was not allowed to consider radiation or health issues that may or may not come from cell towers.

Mr. Wells stated one tower has already been denied in the area and this one is adamantly opposed.

Mr. Seitz stated this is the first time that someone is requesting to put a cell tower in a mobile home park less than 100 ft. away from the nearest unit, surrounded by subdivisions and valuable land. He noted he did feel comfortable with supporting the request and was not persuaded that the site is necessary.

Mr. Thum stated his concern that only one collocation is provided. A tower was denied that could have provided coverage to both towers. Nobody likes towers, but they are necessary evils in the growing technological world. Mountains hinder service so more towers are needed.

Mr. Donahue asked if EMS will be interested in locating on this site.

Mrs. MacLean stated EMS has indicated that this site and the proposed Harding Road site will not be crucial to their network; however, they would re-evaluate it at a later date if necessary.

Mr. Donahue stated cell towers are like any infrastructure. They need to expand services as additional traffic and technology are developed. They take a long time to accomplish, so they have to be proactive not reactive. AT&T has to support all of its customer base not just Montgomery County residents. He noted he had driven through all neighborhoods in the area and had trouble seeing the balloon in most locations. They have made an effort to keep the height minimal. It is an important part of infrastructure and need to be considered.

Mr. Tuttle stated cell towers are the necessary evil and the site provides coverage that is necessary to the AT&T network. At this point there is no reason to deny.

Mr. Lau stated there is a need for towers and the mountain prevents communication. He noted he was surprised the tower height was only 100 feet, since many trees are 60-70 feet tall. AT&T is looking specifically at what they need to provide adequate service. People will not notice this tower once they get over the initial appearance.

Mr. Rice noted the monopole design minimizes the visual impact. He noted that there were concerns that the tower is proposed in an undesirable location; however, the applicant has proposed a minimal height to mitigate the impact.

Mr. Miller noted AEP towers were located on his family farm. The view was not desirable, but having power was. Life in a beautiful county comes with inconveniences and spoilers for the scenery; yet everyone has cell phones and expects coverage.

On a motion by Mr. Thum, seconded by Mr. Donahue and carried by a 6-2 roll call vote the planning commission recommended approval of a request by Chad and Lisa Vaught (Agent: Rich Rosenfeld) for a Special Use Permit on approximately 17.193 acre parcel in an Agriculture A-1 zoning district to allow a 100 ft. telecommunications tower with the following conditions:

1. Tower shall not exceed a total overall height of 100 feet inclusive of the proposed lightening rod. Tower shall not have lighting unless required by the FAA.
2. Site development shall be in substantial conformance with the plans entitled, "Site Name: US 460 and SR778, Site No: R0500G" prepared by BC Architects & Engineers revised March 3, 2011. Additionally, the tower shall be setback to comply with section 10-22(6)(b) of the Montgomery County Code, which requires a minimum setback of 100 feet from all property lines. The landscaping at the base of the tower shall comply with page L-1 of the concept plans and shall comply with section 10-43 of the Montgomery County Code, and be completed within 60 days of the issuance of the zoning permit.
3. AT&T shall access the site using the existing entrance off of Pandapas Pond Rd (Route 460) through the existing mobile home park. Any change in access to the site shall require further review by VDOT.
4. Tower shall be of a "monopole stealth design" and all antennae shall be flush mounted (distance between face of tower and outer face of antennas not to exceed 12 inches) on the structure. Tower, antennas, and all associated ground equipment shall be painted brown (Umbra). All wiring and cables shall be located inside the tower structure.
5. All trees on the property (within 50 feet of the proposed lease area) shall be maintained and not removed except for damaged or diseased trees.
6. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted to and approved by the Building Official prior to issuance of a building permit.
7. No platforms or dishes shall be permitted on the structure above the tree line.
8. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.

9. Backup generator, if applicable, shall not be fueled by any liquid fuel source.
10. Owner/agent shall provide police, fire and rescue services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower. Emergency service providers shall provide equipment. Tower owner/agent shall install the antennae at market rate.
11. 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.
12. The proposed 20' x 50' (1000 sq. ft.) lease area shall be surrounded with a nine foot (9) high chain link fence with rubberized coating and landscaping, as shown on page L-1 of the concept plans to screen the base of the tower and ground equipment.
13. 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.

AYES: Rice, Thum, Donahue, Lau, Miller, Tuttle

NAYES: Seitz, Wells

ABSTAIN: None

ABSENT: Haynes

An ordinance amending Chapter 10, entitled Zoning, Section 10-52 (3) (b) of the Code of the County of Montgomery, Virginia, by deleting the requirement that a person applying to the Board of Supervisors, Planning Commission or Board of Zoning Appeals on a planning or zoning matter shall post a placard notice notifying the public of the place and time of a public hearing regarding the property.

Mr. Rice introduced the request.

Ms. Jenkins stated the Code of VA does not require posting of placards; therefore, staff has been considering an ordinance amendment to eliminate the requirement of posting placards. The County Attorney has confirmed the amendment would not be in conflict with state codes. The placards are posted by the applicant and the weather continuously damages the placards requiring them to be reposted. When the applicant is not local it is difficult to ensure the placard remains on the property. Placards cost approx. \$5 each. Advertisements in paper and adjoining owner notices will continue to be sent.

Mr. Rice stated he was concerned that citizens may feel as though we are acting without their knowledge.

Mr. Sandy stated there are also legal issues to be considered. It would be very easy for an individual to say the site wasn't properly posted and negate any action by the board. Staff cannot justify it was posted and remained posted for the entire time period. The County Attorney has stated that he has concerns as well. If we are keeping the requirement of posting a placard the burden will be on staff to install, maintain, and verify it is posted daily. The proposal is not to eliminate public views of the request; however, to reduce legal issues that could occur. It may be possible to revise the language in such a way that it is a courtesy not a requirement.

Mr. Rice stated it would be good to have the placard but just require it to be posted once.

Mr. Seitz stated if you do away with the physical posting then the written notice becomes more important and it may be necessary to send the written notice to more owners in the area of the request.

Mr. Sandy noted staff is required to notify adjoining property owners but can and do go above the minimum.

Mr. Miller expressed concerns of staff expending their limited time to monitor signs, but noted he does like to see them posted on the property.

Mr. Thum stated maybe an amendment to the ordinance could be proposed to include a stated policy regarding the posting of placards; however, not make it a legal requirement.

Mr. Rice opened the public hearing.

Mr. Steve Spradlin, Oilwell Road, stated that letting citizens know what is going on in government is important. There is a need to keep the posting requirement; however, the responsibility for posting should be placed on the applicant. An affidavit could be used to guarantee maintenance. The website is a great asset but not everyone uses it and not everyone reads the paper.

Mr. Sean Beliveau, 111 Cohee Road, stated he has posted numerous placards and the weather makes it difficult to maintain them. It is not practical to maintain the placards 24 hours a day for 2 weeks.

Ms. Jeannie Stosser, Blacksburg, stated in other localities developers are responsible for posting, maintaining, and proving they are there. She supported the suggestion that it's posted 2 weeks before and it's up to the applicant to keep them posted.

Mr. Danny Young noted the only reason he knew about the current meeting is because of the placard notice; however, it should be the applicant's responsibility to post and maintain the placard.

There being no further comments the public hearing was closed.

Mr. Wells noted the Old Elliston Fire Station had to be posted several times due to weather. He stated he would support initially posting the placard and then placing the burden on the applicant to maintain the notice.

Mr. Thum noted action taken on a request would be invalidated if the placard posting requirement is not followed and for that reason should not delegate the responsibility to the applicant.

On a motion by Mr. Miller, seconded by Mr. Seitz and carried by a 8-0 roll call vote the planning commission tabled the ordinance amendment to allow staff additional time to research options for placard posting.

AYES: Rice, Thum, Donahue, Lau, Miller, Tuttle, Seitz, Wells

NAYES: None

ABSTAIN: None

ABSENT: Haynes

## **OLD BUSINESS:**

A request by Huckleberry Ridge, LLC (Agent: Bluestone Land, LLC) for rezoning of approximately 48 acres from Agriculture (A1) to Residential Multi-family (RM-1) to allow 388 multi-family residential dwellings and approximately 15 acres from Agriculture (A1) to Residential (R3), with possible proffered conditions, to allow 40 lots for single/two-family residential dwelling units. The property is located south east of the intersection of Merrimac Road (Rte.657) and Hightop Road (Rte. 808) and is identified as Tax Parcel Nos. 66-A-91, 92, 67-A-229, & 067-A-42 (Acct # 010584, 010585, 035616, & 010583) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan with a gross density of four (4) dwelling units per acre.

On a motion by Mr. Wells, seconded by Mr. Miller and unanimously carried the planning commission removed the Huckleberry Ridge rezoning request from the table for discussion.

Mr. Sandy stated the request was tabled to allow the applicant additional time to address concerns. The development is for 388 multifamily dwellings and 40 single family lots. He reviewed the revised conceptual plan. There are two (2) proposed Merrimac Road entrances and no entrance proposed onto Hightop Road. VDOT comments on the revised TIA were received and indicated no improvements were recommended at the four (4) reviewed existing intersections; however, a right turn table lane is warranted at the Merrimac and Hightop Road intersection. Due to the bridge configuration and trail crossing the engineer is not recommending those improvements. A taper lane is recommended at the proposed entrance and that has been proffered by the applicant. Phase III will contain public roads. The developer has added an emergency access during phase one and two. Staff discussed the need to provide safer crossings of Huckleberry Trail on Merrimac and Hightop Road due to increased traffic. A proffer was added to address concerns with those crossings. The PSA Director has indicated water capacity is available for 325 residential units and the sewer available for 310 units; however, additional capacity could be purchased from Town of

Christiansburg. The applicant understands that water service may not be available during construction. They have proffered that if additional capacity is needed all costs for obtaining service will be paid by the developer. The proposal is in an area designated as urban expansion and lies within the proposed urban development area. It should be noted the development is not a true TND development due to lack of mixed use components. There is no commercial aspect of this development. It does attempt to provide some of the TND aspects. A code of development has been proffered but does not apply to the multi-family portion of development. The open space along the trail and creek will be maintained in its current state. Limited vehicular connectivity is provided between uses and no connections to adjoining properties have been proposed. There are topographic challenges which limit options for connectivity. Mr. Sandy reviewed the proffers that had been submitted.

Mr. Rice asked if the development met the open space requirements.

Mr. Sandy stated the requirement is 15% open space and the developer has proffered 25% open space.

Mr. Miller noted school capacity could be an issue; however, there will be a redistricting by the school system and this development may be served by the new Prices Fork Elementary. A temporary cul-de-sac should be provided at the emergency access to allow school buses to maneuver.

Mr. Sandy stated the school has indicated that with both schools they will be able to accommodate the additional students.

Mr. Wells asked who is responsible for the maintenance of the emergency access during inclement weather, etc.

Mr. William Park, Bluestone Land, stated the plan had been revised to address concerns of residents and staff. This area is designated as Urban Expansion in the comprehensive plan and is designated to accommodate 11,000 plus units. This parcel also lies within an area that will be designated as an UDA in the future. This area also corresponds with the Blacksburg urban development area. He discussed the revised plan, increased connectivity, sidewalk additions, building relocation, additional landscaping, and the proposed emergency access. The developer will be responsible for snow removal, maintenance, etc until the road is taken over by VDOT. The water capacity issue has not been resolved; however, the proffer should address the problem. He noted that a neighborhood and community meeting had been held. A cul-de-sac was not considered because the loop at the community building could be utilized by school buses. The building is a central location and provides a safer place for children to gather. The code of development could not be applied to the mixed use housing because each dwelling cannot look the same. Mr. Park stated the development is below the maximum units allowed per acre in the zoning ordinance and UDA. He discussed the fiscal impacts of the development.

On a motion by Mr. Thum, seconded by Mr. Miller and unanimously carried the meeting was extended until 10:30 pm.

Mr. John Neel, Gay & Neel Inc., discussed improvements to the Huckleberry Trail. Striping and signage will be installed, clearing and grading will be done to improve sight distance. Connectivity to the adjoining property would have to be negotiated if ever desired since the property would be privately owned.

Mr. Seitz stated the main objections tend to be related to the roads in the area.

Mr. Rice stated the TIA was developed by a reputable firm and VDOT has not expressed issues with the proposed development.

Mr. Lau noted there are blind curves, major elevation changes, and in some cases, water running across the road. This road should not handle more traffic until it has improvements.

Mr. Rice noted that VDOT does not improve roads in order to allow development. If the development is denied then the roads will never be improved.

Mr. Thum stated this area is going to expand. The developer should be commended for its efforts. Public transportation will be developed, and the trail crossing will be improved. Developments cannot be stopped until VDOT addresses the existing problems.

Mr. Wells noted that the amount of funding for secondary roads has been decreased from \$3 million to \$100,000 over the years.

Mr. Muffo stated the County has contributed some money toward roads; however, it is nowhere near enough to provide funds for all maintenance and improvements.

Mr. Seitz stated the developer and staff have done a good job to bring the project forward.

On a motion by Mr. Thum, seconded by Mr. Seitz and carried by a 7-0 roll call vote the planning commission recommended approval of request by Huckleberry Ridge, LLC (Agent: Bluestone Land, LLC) for rezoning of approximately 48 acres from Agriculture (A1) to Residential Multi-family (RM-1) to allow 388 multi-family residential dwellings and approximately 15 acres from Agriculture (A1) to Residential (R3) to allow 40 lots for single/two-family residential dwelling units with the following proffered conditions provided; (1) the Code of Development is amended to allow composite materials and (2) # of units allowed is tied to available water capacity:

1. Code of Development and Conceptual Master Plan

The Property will be developed substantially in accordance with the Code of Development prepared for Bluestone Land, L.L.C., dated 4/7/2011 and the Conceptual Master Plan prepared by Gay & Neel, dated 4/1/2011(the "Conceptual Master Plan").

2. Number of Units

No more than 388 multi-family dwellings (apartment/condominiums) shall be constructed in the RM-1 District. No more than 40 single-family detached dwelling units, or 80 two-family attached dwelling units, or any combination of single-family and two-family dwellings shall be constructed in the R-3 District. The exteriors of the apartment buildings constructed in Phase I of the RM-1 District shall be generally in conformance with the elevations demonstrated in the rendering entitled "Huckleberry Ridge Rendering" dated 4/1/2011 and submitted with this proffer statement as Attachment A.

3. Phasing

The Property will be developed in three Phases. Phase I will consist of 248 multi-family dwelling units, and includes a community building and pool (RM-1). Construction on Phase I is anticipated to begin Spring 2012. Phases II and III shall be constructed according to market conditions.

4. Roads

Public streets will be designed and constructed to VDOT's Subdivision Street Standards, latest edition. The proposed entrances will be constructed in accordance with the Recommendations in the Traffic Impact Analysis by Anderson & Associates, Inc. dated 1/26/11, revised 3/14/11 to allow for future widening of the existing road. Private streets and parking areas will be constructed of 8" of 21A base stone and 2" of SM2A asphalt and maintained by the Owner. Secondary gated emergency access to Phase I shall be provided via construction of that portion of Road "A" as depicted on the Conceptual Master Plan by Gay and Neel dated 4/1/11. All improvements shall be at the sole expense of the developer.

5. Storm water

Stormwater management practices will be designed to detain the post development peak flow rate to the predevelopment peak flow rates for the 10 year and 2 year storm events as required by state Erosion and Sediment Control Law. Stormwater quality will be in accordance with the regulations in effect at the time of rezoning and the developer will obtain a VSMP permit for construction.

6. Open Space and Amenities

A minimum of 25(twenty-five) percent, 15.75 acres+-, of the total gross area of the Property shall be reserved as common open space and/or recreational areas as shown on the Conceptual Master Plan. Furthermore, each individual phase shall meet the minimum open space requirements of the zoning district. Active recreation amenities may include, but not limited to walking/hiking trails, benches, picnic tables, community building w/ pool, common recreation pavilion(s)/gazebo(s), playground(s), and retention pond(s).

7. Trails

The Property will include a walking/nature trail system traversing portions of the dedicated open space as shown on the Conceptual Master Plan. The trail system will connect to the Huckleberry Trail. The foot trails within the open space will be constructed in conjunction with the phase that is the most geographically adjacent to the proposed trail. Trails will be six (6) feet wide, constructed with a minimum 1 ½" asphalt on top of 4" base stone.

Prior to the issuance of the first certificate of occupancy, the developer shall install additional signage at the Huckleberry Trail's crossing with Hightop Road and Merrimac Road per the attached figure from the AASHTO Guide for the development of bicycle facilities. The signage will be in accordance with the MUTCD standards, Millennium Edition.

Prior to the issuance of the first certificate of occupancy, the developer shall perform clearing in the areas indicated on the attached sketches in order to increase the sight distance for Huckleberry Trail users crossing Merrimac and Hightop Roads and submitted with this proffer statement as Attachments B1-B6 dated 4/13/2011.

Signage and clearing of vegetation on the Huckleberry Trail will be performed in consultation with VDOT, Montgomery County Parks and Recreation, and Friends of the Huckleberry.

#### 8. Homeowner's Association

A homeowner's association or associations will be formed for R-3 district. The association or associations' documents will at a minimum address: maintenance of open areas, alleys, buffers, trails, active recreation spaces, and stormwater management facilities; enforcement of maintenance and all regulations set forth in the association documents, including architectural guidelines and the Code of Development.

#### 9. Water and Sanitary Sewer Service

Huckleberry Ridge, LLC shall construct all water and sanitary sewer mains and appurtenances and will connect these mains to publicly owned mains. All mains and appurtenances will be dedicated to public use. The site shall be served by Montgomery County PSA sanitary sewer and water. The rezoning of the property does not allocate or reserve water and sewer capacity for the proposed development. Site plan approval for the development shall be conditioned upon adequate water and sewer capacity being available. There is a limited amount of water and sewer capacity available for development in the area before infrastructure improvements are needed to increase capacity. The applicant may be responsible for bearing the cost of any necessary utility infrastructure improvements needed by the PSA both on site and off site to accommodate the requested capacity based on the proposed use for the Property.

#### 10. Landscaping

Huckleberry Ridge, LLC will preserve existing vegetation to the greatest extent possible. Extensive landscaping such as buffers and street trees will be provided as part of proposed development. A Type 2 Landscape Buffer shall be provided between Merrimac Road and the proposed multi-family dwelling area. Existing vegetation can be credited towards the buffer requirements. Buffer shall not impede sight distance at the proposed entrance.

AYES: Rice, Thum, Donahue, Lau, Miller, Tuttle, Seitz

NAYES: None

ABSTAIN: Wells

ABSENT: Haynes

#### **WORKSESSION:**

Due to time constraints it was the consensus of the Planning Commission to discuss worksession items at their next meeting.

Sign Ordinance Amendments (Brea Hopkins)

Prices Fork Elementary Safe Route To Schools Radford University Project (Brea Hopkins)

There being no further business, the meeting was adjourned at 10:35 pm.