

STATE OF VIRGINIA:
BEFORE THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY

A +/- 9.38 ACRE PARCEL OF LAND, A PORTION) **FINAL ORDER**
OF A TOTAL OF 79.409 ACRES, LOCATED AT THE)
INTERSECTION OF STATE ROUTE 988 AND 938,)
ROCK CLIFF ROAD AND STATE ROUTE 1440,)
IVY LANE, IN THE UNION HALL MAGISTERIAL)
DISTRICT OF FRANKLIN COUNTY, RECORDED AS)
TAX MAP # 52, PARCEL #S 2, 2.1; 2.2, 2.3,)
AND TAX MAP # 52, PARCEL # 4.1, IN THE)
FRANKLIN COUNTY REAL ESTATE TAX RECORDS.)

TO THE HONORABLE SUPERVISORS OF FRANKLIN COUNTY:

WHEREAS, THE PETITIONER, OPTIMA PROPERTIES, SMITH MOUNTAIN LAKE, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY, DID PETITION THE FRANKLIN COUNTY BOARD OF SUPERVISORS TO OBTAIN A SPECIAL USE PERMIT FOR THE PURPOSE OF PRIVATE ROADS, CONCURRENT WITH A REZONE REQUEST OF APPROXIMATELY 79.409 ACRES TO RPD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT.

WHEREAS, AFTER DUE LEGAL NOTICE AS REQUIRED BY SECTION 15.2-2204, AND 15.2-2205, OF THE CODE OF VIRGINIA OF 1950, AS AMENDED, THE PLANNING COMMISSION DID HOLD A PUBLIC HEARING ON JANUARY 10, 2006, AT WHICH TIME ALL PARTIES IN INTEREST WERE GIVEN AN OPPORTUNITY TO BE HEARD; AND

WHEREAS, AFTER FULL CONSIDERATION AT THE PUBLIC HEARING HELD ON FEBRUARY 21, 2006, THE FRANKLIN COUNTY BOARD OF SUPERVISORS DETERMINED THAT THE SPECIAL USE PERMIT REQUEST FOR THE PURPOSE OF PRIVATE ROADS, BE **APPROVED, WITH THE FOLLOWING CONDITIONS:**

CONDITIONS:

1. THE PROPERTY SHALL BE DEVELOPED IN SUBSTANTIAL CONFORMANCE WITH THE CONCEPT PLAN FOR OPTIMA PROPERTIES, SMITH MOUNTAIN LAKE, LLC, DATED DECEMBER 10, 2005, REVISED JANUARY 10, 2006, PREPARED BY ACS DESIGN AND OTHERS; PROVIDED THE PETITIONER RESERVES THAT RIGHT TO CONNECT TO AN EXISTING PUBLIC WATER UTILITY AND, THUS, NOT DEVELOP THE PROPOSED PUBLIC WATER FACILITY.
2. THE PROPOSED PRIVATE ROAD SHALL MEET THE MINIMUM GRADE AND PAVEMENT DESIGN REQUIREMENTS SPECIFIED IN VIRGINIA DEPARTMENT OF TRANSPORTATION REGULATIONS WITH A MAXIMUM PAVEMENT WIDTH NOT TO EXCEED 22 FEET.
3. THE MAINTENANCE OF THE PRIVATE ROAD SHALL BE PROVIDED BY AN APPROVED PROPERTY OWNER'S ASSOCIATION. THE DEVELOPER SHALL RECORD A DOCUMENT IN THE LAND RECORDS OF THE CLERK OF THE CIRCUIT COURT PRIOR TO ISSUANCE OF ANY GRADING AND SITE PLAN APPROVALS OBLIGATING THE LOT OWNERS TO PAY FOR UPKEEP AND MAINTENANCE OF THE PRIVATE ROADS ON A PRO-RATA BASIS OR OTHER BASIS AS DETERMINED BY THE DEVELOPER.
4. NO CERTIFICATE OF OCCUPANCY SHALL BE ISSUED PRIOR TO AN INITIAL COAT OF SURFACE TREATMENT BEING PLACED ON THE PRIVATE ROAD. THE FINAL SURFACE COAT SHALL BE PLACED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE LAST DWELLING TO BE SERVED BY THE PRIVATE ROAD.
5. SURETY SHALL BE POSTED WITH FRANKLIN COUNTY FOR THE CONSTRUCTION OF THE PRIVATE ROAD AND SHALL NOT BE RELEASED UNTIL THE COUNTY HAS RECEIVED A CERTIFICATION FROM AN INDIVIDUAL LICENSED BY THE COMMONWEALTH OF VIRGINIA TO PROVIDE SUCH SERVICE STATING THAT THE CONSTRUCTION OF THE ROAD MEETS GRADE AND PAVEMENT CONSTRUCTION REQUIREMENTS WITH VDOT SUBDIVISION STREET REQUIREMENTS.
6. IN ADDITION TO COMPLIANCE WITH FRANKLIN COUNTY EROSION AND SEDIMENT CONTROL MEASURES, SINGLE FAMILY LOT OWNERS IN THE COVES AT SMITH MOUNTAIN LAKE WILL BE REQUIRED TO SUBMIT AN EROSION AND SEDIMENT CONTROL PLAN, PREPARED BY A LICENSED INDIVIDUAL, TO THE ARCHITECTURAL REVIEW BOARD AND TO FRANKLIN COUNTY AS PART OF ANY EROSION AND SEDIMENT PERMIT PRIOR TO ANY CLEARING OR BEGINNING CONSTRUCTION ON AN INDIVIDUAL HOME SITE. PRIOR TO THE START OF CONSTRUCTION OF ANY HOME SUCH PLAN SHALL INCLUDE DESIGN AND COMPUTATION FOR THE LOW IMPACT DEVELOPMENT PRACTICES AND SHALL SHOW THAT IT WILL CAPTURE AND STOP THE FIRST 1/4 INCH OF RAINFALL AND INCLUDE A DEEDED MAINTENANCE AGREEMENT FOR SUCH LOW IMPACT DEVELOPMENT PRACTICES. IT SHALL BE THE RESPONSIBILITY OF THE LOT OWNER TO ENSURE THAT PROPOSED EROSION CONTROL METHODS ARE ADEQUATE AND MAINTAINED UNTIL SITE STABILIZATION HAS BEEN ACHIEVED. IF THE LOT OWNER IS NOT IN COMPLIANCE WITH THE PLAN THEN THE LOT OWNER WILL RECEIVE A WRITTEN NOTICE OF CORRECTIVE ACTION AND MAY BE FINED UP TO \$10,000 PER DAY, UNTIL A NO FURTHER ACTION LETTER IS ISSUED BY THE ARCHITECTURAL REVIEW BOARD.

NOW, THEREFORE BE IT ORDERED THAT THE AFOREMENTIONED PARCELS OF LAND, WHICH ARE CONTAINED IN THE FRANKLIN COUNTY TAX RECORDS AS TAX MAP # 52, PARCEL #S 2, 2.1; 2.2, 2.3, DEED BOOK 862, PAGES 1360, 1373; PLAT BOOK 737/749, PAGES 1889/298; AND TAX MAP # 52, PARCEL # 4.1, DEED BOOK 862, PAGE 1360, PLAT BOOK 738, PAGE 392; BE GRANTED THE REQUEST TO OBTAIN A SPECIAL USE PERMIT FOR THE PURPOSE OF PRIVATE ROADS, CONCURRENT WITH A REZONE REQUEST OF APPROXIMATELY 79.409 ACRES TO RPD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT.

ACCORDING TO SECTION 25-641 OF THE FRANKLIN COUNTY ZONING ORDINANCE A SPECIAL USE PERMIT SHALL EXPIRE EIGHTEEN (18) MONTHS FROM THE DATE OF APPROVAL (FEBRUARY 21, 2006) IF NO COMMENCEMENT OF USE, STRUCTURE, OR ACTIVITY HAS TAKEN PLACE.

BE IT FURTHER ORDERED THAT A COPY OF THIS ORDER BE TRANSMITTED TO THE SECRETARY OF THE PLANNING COMMISSION AND THAT SHE BE DIRECTED TO REFLECT THIS CHANGE ON THE OFFICIAL ZONING MAP OF FRANKLIN COUNTY.

ADOPTED ON MOTION OF SUPERVISOR MR. CHARLES POINDEXTER, SECONDED BY SUPERVISOR MR. RUSSELL JOHNSON, UPON THE FOLLOWING RECORDED VOTE:

AYES: ANGELL, HURT, JOHNSON, MITCHELL, POINDEXTER, QUINN, WAGNER
NAYES:
ABSENT:
ABSTAIN:

CLERK
PLANNING COMMISSION CLERK, FOR THE
FRANKLIN COUNTY BOARD OF SUPERVISORS
DATE

** VOTING INFORMATION WAS SUBMITTED TO ME FROM MS. SHARON TUDOR, DEPUTY CLERK FOR THE BOARD OF SUPERVISORS.

DEAR MR. MERRITT:

ON THE EVENING OF FEBRUARY 21, 2006 AFTER A LAWFULLY ADVERTISED PUBLIC HEARING, THE FRANKLIN COUNTY BOARD OF SUPERVISORS VOTED TO GRANT YOUR REZONE REQUEST FOR THE ABOVE-REFERENCED PARCELS OF LAND, APPROXIMATELY 79.409 ACRES ABOVE THE 800 FOOT CONTOUR OF SMITH MOUNTAIN LAKE, 66.796 ACRES CURRENTLY ZONED A-1 AGRICULTURAL, AND APPROXIMATELY 12.613 ACRES CURRENTLY ZONED R-1 RESIDENTIAL, SUBURBAN SUBDIVISION DISTRICT, TO RPD RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT, FOR THE PURPOSE OF A MIXTURE OF SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL DWELLINGS TO BE KNOWN AS "THE COVES AT SMITH MOUNTAIN LAKE"; SPECIAL USE PERMIT FOR THE PURPOSE OF UTILITIES, WATER AND SEWER PLANT FOR TREATMENT WITH APPURTENANT DISTRIBUTION SYSTEM, SPECIAL USE PERMIT FOR A +/-9.38 ACRE PARCEL OF LAND, A PORTION OF A TOTAL OF 79.409 ACRES CURRENTLY ZONED R-1, RESIDENTIAL SUBURBAN SUBDIVISION AND A-1, AGRICULTURAL DISTRICT, FOR THE PURPOSE OF PRIVATE ROADS; AND, A SPECIAL USE PERMIT FOR A +/-1.00 ACRE PARCEL OF LAND, A PORTION OF A TOTAL OF 30.668 ACRES CURRENTLY ZONED A-1, AGRICULTURAL DISTRICT AND R-1, RESIDENTIAL SUBURBAN SUBDIVISION, FOR THE PURPOSE OF A STORAGE FACILITY.

ATTACHED YOU WILL FIND THE FINAL ORDERS FOR THE ABOVE LISTED REQUESTS WITH THE APPROVED PROFFERS AND CONDITIONS. ACCORDING TO SECTION 25-641 OF THE FRANKLIN COUNTY ZONING ORDINANCE A SPECIAL USE PERMIT SHALL EXPIRE EIGHTEEN (18) MONTHS FROM THE DATE OF APPROVAL (FEBRUARY 21, 2006) IF NO COMMENCEMENT OF USE, STRUCTURE, OR ACTIVITY HAS TAKEN PLACE.

SHOULD YOU HAVE ANY QUESTIONS CONTACT THIS OFFICE AT 540-483-3027. WE LOOK FORWARD TO WORKING WITH YOU AGAIN IN THE FUTURE ON ANY PROJECTS YOU HAVE.

SINCERELY,

FRANK A. FIORI
DIRECTOR
FAF/PHF
CC: CLYDE PERDUE, ATTORNEY

STATE OF VIRGINIA:
BEFORE THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY

A +/- 1.00 ACRE PARCEL OF LAND, A PORTION) **FINAL ORDER**
OF A TOTAL OF 30.668 ACRES, LOCATED AT THE)
INTERSECTION OF STATE ROUTE 988 AND 938,)
ROCK CLIFF ROAD AND STATE ROUTE 1440,)
IVY LANE, IN THE UNION HALL MAGISTERIAL)
DISTRICT OF FRANKLIN COUNTY, RECORDED AS)
TAX MAP # 52, PARCEL # 2, IN THE FRANKLIN)
COUNTY REAL ESTATE TAX RECORDS.)

TO THE HONORABLE SUPERVISORS OF FRANKLIN COUNTY:

WHEREAS, THE PETITIONER, OPTIMA PROPERTIES, SMITH MOUNTAIN LAKE, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY, AS PETITIONER AND OWNER, DID PETITION THE FRANKLIN COUNTY BOARD OF SUPERVISORS TO OBTAIN A SPECIAL USE PERMIT FOR THE PURPOSE OF A STORAGE FACILITY, CONCURRENT WITH A REZONE REQUEST OF APPROXIMATELY 79.409 ACRES TO RPD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT.

WHEREAS, AFTER DUE LEGAL NOTICE AS REQUIRED BY SECTION 15.2-2204, AND 15.2-2205, OF THE CODE OF VIRGINIA OF 1950, AS AMENDED, THE PLANNING COMMISSION DID HOLD A PUBLIC HEARING ON JANUARY 10, 2006, AT WHICH TIME ALL PARTIES IN INTEREST WERE GIVEN AN OPPORTUNITY TO BE HEARD; AND

CONDITIONS:

1. THE USE SHALL BE LIMITED TO RESIDENTS OF "THE COVES AT SMITH MOUNTAIN LAKE" AS SHOWN ON THE CONCEPT PLAN BY ACS DESIGN, AND DATED DECEMBER 10, 2005, REVISED JANUARY 10, 2006.
2. RECREATIONAL VEHICLES, WATERCRAFT AND ASSOCIATED TRAILERS STORED ON THE PROPERTY SHALL HAVE CURRENT LICENSES AND/OR REGISTRATIONS IDENTIFIED ON SUCH RECREATIONAL VEHICLES, WATERCRAFT AND TRAILERS.
3. IF FUTURE LIGHTING IS PROVIDED FOR THE STORAGE FACILITY AREA, THE APPLICANT OR SUCCESSORS SHALL PROVIDE A LIGHTING PLAN FOR APPROVAL BY THE PLANNING DEPARTMENT. THE LIGHTING PLAN SHALL INCORPORATE SHIELDED FIXTURES DIRECTED DOWNWARD SO AS NOT TO PROJECT GREATER THAN 0.5 FOOT CANDLES ABOVE BACKGROUND LEVELS AS MEASURED AT THE BOUNDARIES OF THE PROPOSED USE AREA. NO PORTION OF BULBS OF SAID LIGHTING SHALL BE VISIBLE FROM THE BOUNDARIES OF THE USE AREA.
4. THE APPLICANT SHALL SUBMIT A LANDSCAPE PLAN WITH THE SITE PLAN. LANDSCAPING SHALL PROVIDE A YEAR ROUND BUFFER OF THE STORAGE AREA FROM ALL ADJACENT PROPERTIES TO INCLUDE THE PROPOSED SUBDIVISION. ANY REQUIRED PLANTED BUFFER SHALL BE A MINIMUM OF SIX (6) FEET IN HEIGHT AT THE TIME OF PLANTING, AND SHALL CONSIST OF TWO (2) ROWS, STAGGERED ON TEN (10) FEET CENTERS.
5. EXCEPT FOR EMERGENCY REPAIR, THERE SHALL BE NO MAINTENANCE OR REPAIR ACTIVITY WITHIN THE STORAGE YARD/OPEN SPACE AREA.
7. A SIX (6) FOOT HIGH SECURITY FENCE SHALL BE INSTALLED. STAINLESS STEEL FINISH IS PROHIBITED.
8. A CONTROLLED ACCESS GATE SHALL BE INSTALLED TO RESTRICT ACCESS TO THE STORAGE AREA.
9. SIGNAGE SHALL BE LIMITED TO LIABILITY, SECURITY, AND "NO TRESPASSING" SIGNS.

NOW, THEREFORE BE IT ORDERED THAT THE AFOREMENTIONED PARCELS OF LAND, WHICH ARE CONTAINED IN THE FRANKLIN COUNTY TAX RECORD AS TAX MAP # 52, PARCEL # 2, DEED BOOK 862, PAGES 1360, 1373; PLAT BOOK 749, PAGE 1889; BE GRANTED THE REQUEST TO OBTAIN A SPECIAL USE PERMIT FOR THE PURPOSE OF A STORAGE FACILITY, CONCURRENT WITH A REZONE REQUEST OF APPROXIMATELY 79.409 ACRES TO RPD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT.

ACCORDING TO SECTION 25-641 OF THE FRANKLIN COUNTY ZONING ORDINANCE A SPECIAL USE PERMIT SHALL EXPIRE EIGHTEEN (18) MONTHS FROM THE DATE OF APPROVAL (FEBRUARY 21, 2006) IF NO COMMENCEMENT OF USE, STRUCTURE, OR ACTIVITY HAS TAKEN PLACE.

BE IT FURTHER ORDERED THAT A COPY OF THIS ORDER BE TRANSMITTED TO THE SECRETARY OF THE PLANNING COMMISSION AND THAT SHE BE DIRECTED TO REFLECT THIS CHANGE ON THE OFFICIAL ZONING MAP OF FRANKLIN COUNTY.

ADOPTED ON MOTION OF SUPERVISOR MR. CHARLES POINDEXTER, SECONDED BY SUPERVISOR MR. RUSSELL JOHNSON, UPON THE FOLLOWING RECORDED VOTE:

AYES: ANGELL, HURT, JOHNSON, MITCHELL, POINDEXTER, QUINN, WAGNER
NAYES:
ABSENT:
ABSTAIN:

CLERK
PLANNING COMMISSION CLERK, FOR THE
FRANKLIN COUNTY BOARD OF SUPERVISORS
DATE

** VOTING INFORMATION WAS SUBMITTED TO ME FROM MS. SHARON TUDOR, DEPUTY CLERK FOR THE BOARD OF SUPERVISORS.

STATE OF VIRGINIA:

BEFORE THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY:

A +/- 79.409 ACRES ABOVE THE 800-FOOT CONTOUR) **FINAL ORDER**
OF SMITH MOUNTAIN LAKE, LOCATED AT THE INTERSECTION)
OF STATE ROUTE 988 AND ROUTE 988, ROCK CLIFF)
ROAD AND STATE ROUTE 1440, IVY LANE, IN THE UNION)
HALL MAGISTERIAL DISTRICT OF FRANKLIN COUNTY)
RECORDED AS TAX MAP # 52, PARCEL #S 2, 2.1; 2.2,)
2.3, AND TAX MAP # 52, PARCEL # 4.1 IN THE FRANKLIN)
COUNTY REAL ESTATE TAX RECORDS.)

TO THE HONORABLE SUPERVISORS OF FRANKLIN COUNTY:

WHEREAS, YOUR PETITIONER, OPTIMA PROPERTIES, SMITH MOUNTAIN LAKE, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY, AS PETITIONER AND OWNER, DID PETITION THE FRANKLIN COUNTY BOARD OF SUPERVISORS TO REZONE THE ABOVE-REFERENCED PARCELS OF LAND, APPROXIMATELY 79.409 ACRES ABOVE THE 800 FOOT CONTOUR OF SMITH MOUNTAIN LAKE, 66.796 ACRES CURRENTLY ZONED A-1 AGRICULTURAL, AND APPROXIMATELY 12.613 ACRES CURRENTLY ZONED R-1 RESIDENTIAL SUBURBAN SUBDIVISION DISTRICT, TO RPD RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT, FOR THE PURPOSE OF A MIXTURE OF SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL DWELLINGS TO BE KNOWN AS "THE COVES AT SMITH MOUNTAIN LAKE";

WHEREAS, AFTER DUE LEGAL NOTICE AS REQUIRED BY SECTION 15.2-2204 AND 15.2-2205 OF THE CODE OF VIRGINIA, AS AMENDED, THE PLANNING COMMISSION DID HOLD A PUBLIC HEARING ON JANUARY 10, 2006, AT WHICH TIME ALL PARTIES IN INTEREST WERE GIVEN AN OPPORTUNITY TO BE HEARD; AND

WHEREAS, AFTER FULL CONSIDERATION AT THE PUBLIC HEARING HELD ON FEBRUARY 21, 2006 THE FRANKLIN COUNTY BOARD OF SUPERVISORS DETERMINED THAT THE REZONE REQUEST TO REZONE THE ABOVE-REFERENCED PARCELS OF LAND, APPROXIMATELY 79.409 ACRES ABOVE THE 800 FOOT CONTOUR OF SMITH MOUNTAIN LAKE, 66.796 ACRES CURRENTLY ZONED A-1 AGRICULTURAL, AND APPROXIMATELY 12.613 ACRES CURRENTLY ZONED R-1 RESIDENTIAL SUBURBAN SUBDIVISION DISTRICT, TO RPD RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT, FOR THE PURPOSE OF A MIXTURE OF SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL DWELLINGS BE **APPROVED, WITH THE FOLLOWING PROFFERS AND DEVIATIONS:**

VOLUNTARY PROFFERS:

1. THE PROPERTY SHALL BE DEVELOPED IN SUBSTANTIAL CONFORMANCE WITH THE LETTER OF APPLICATION AND CONCEPT PLAN FOR THE COVES AT SMITH MOUNTAIN LAKE, DATED DECEMBER 10, 2005, REVISED JANUARY 10, 2006, PREPARED BY OPTIMA PROPERTIES, SMITH MOUNTAIN LAKE, LLC, AND OTHERS; PROVIDED THE PETITIONER RESERVES THE RIGHT TO CONNECT TO AN EXISTING PUBLIC WATER UTILITY AND, THUS, NOT DEVELOP THE PROPOSED PUBLIC WATER FACILITY.
2. SHORT TERM RENTALS SHALL BE PROHIBITED IN ALL RESIDENTIAL UNITS.
3. THE AREAS DESIGNATED ON THE CONCEPT PLAN AS UNDEVELOPED AREAS SHALL BE SUBJECT TO FUTURE UTILITY CROSSINGS (INCLUDING SEWER AND RESERVE SEWER, DRAINAGE, FIELD LOCATIONS) WALKING TRAILS, BIKE/GOINGSCART TRAILS AND OTHER PASSIVE RECREATIONAL USES.
4. ALL COMMERCIAL USES PERMITTED IN THE RPD DISTRICT SHALL BE PROHIBITED.
5. LOW IMPACT DEVELOPMENT TECHNIQUES SUCH AS, BUT NOT LIMITED TO MINI BIO-RETENTION PONDS, RAIN BARRELS, PERVIOUS BERMS, AND PERVIOUS SWALES SHALL BE DESIGNED TO PROVIDE ADEQUATE STORAGE AND INFILTRATION FOR A RUN OFF VOLUME EQUAL TO 1/4 INCH ON ALL SINGLE-FAMILY AND MULTI-FAMILY DWELLINGS. THESE FACILITIES MAY BE PROVIDED INDIVIDUALLY ON EACH SITE OR COMBINED AT ANY OTHER APPROPRIATE LOCATION.
6. THE PROPOSED BUFFER AREA ADJACENT TO SMITH MOUNTAIN LAKE SHALL BE SUBJECT TO SELECTIVE CLEARING FOR VIEWS AS SHOWN ON THE ATTACHED "LANDSCAPE AND ARCHITECTURAL DESIGN OBJECTIVES".
7. A PROPERTY OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF THE PRIVATE ROADS, WATER SYSTEM, SOLID WASTE MANAGEMENT FACILITY, OPEN SPACE, AND THE DEVELOPED AMENITIES. THE ASSOCIATION SHALL HAVE THE RIGHT TO TRANSFER THESE RESPONSIBILITIES TO AN APPROPRIATE RESPONSIBLE ENTITY.
8. ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.

DEVIATIONS:

1. SECTION 25-298 (b) - DEVIATION TO REDUCE THE SIDE SETBACK FROM THE TEN (10) TO TWELVE (12) FEET RANGE TO ZERO (0) FEET TO ALLOW THE DUPLEXES TO SHARE A COMMON WALL PROPERTY LINE.
2. SECTION 25-224 (A) (2) (A) - DEVIATION OF NINETEEN (19) FEET TO REDUCE THE MINIMUM ROAD FRONTAGE FROM SEVENTY-FIVE (75) TO FIFTY-SIX (56) FEET.

NOW, THEREFORE, BE IT ORDERED, THAT THE AFOREMENTIONED PARCELS OF LAND WHICH IS CONTAINED IN THE FRANKLIN COUNTY TAX RECORDS AS TAX MAP # 52, PARCEL #S 2, 2.1; 2.2, 2.3, DEED BOOK 862, PAGES 1360, 1373; PLAT BOOKS 737/749, PAGES 1889/298; AND TAX MAP # 52, PARCEL # 4.1, DEED BOOK 862, PAGE 1360, PLAT BOOK 738, PAGE 392; BE GRANTED THE REZONE REQUEST TO REZONE THE ABOVE-REFERENCED PARCELS OF LAND, APPROXIMATELY 79.409 ACRES ABOVE THE 800 FOOT CONTOUR OF SMITH MOUNTAIN LAKE, 66.796 ACRES CURRENTLY ZONED A-1 AGRICULTURAL, AND APPROXIMATELY 12.613 ACRES CURRENTLY ZONED R-1 RESIDENTIAL SUBURBAN SUBDIVISION DISTRICT, TO RPD RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT, FOR THE PURPOSE OF A MIXTURE OF SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL DWELLINGS TO BE KNOWN AS "THE COVES AT SMITH MOUNTAIN LAKE".

BE IT FURTHERED ORDERED THAT A COPY OF THIS ORDER BE TRANSMITTED TO THE SECRETARY OF THE PLANNING COMMISSION AND THAT SHE BE DIRECTED TO REFLECT THIS CHANGE ON THE OFFICIAL ZONING MAP OF FRANKLIN COUNTY.

ADOPTED ON THE MOTION OF SUPERVISOR MR. CHARLES POINDEXTER, SECONDED BY SUPERVISOR MR. RUSSELL JOHNSON, UPON THE FOLLOWING RECORDED VOTE:

AYES: ANGELL, HURT, JOHNSON, MITCHELL, POINDEXTER, QUINN, WAGNER
NAYES:
ABSENT:
ABSTAIN:

CLERK
PLANNING COMMISSION CLERK, FOR THE
FRANKLIN COUNTY BOARD OF SUPERVISORS
DATE

VOTING INFORMATION WAS SUBMITTED TO ME FROM MS. SHARON K. TUDOR, CLERK FOR THE FRANKLIN COUNTY BOARD OF SUPERVISORS.

FINAL ORDER
CASE # U 06-01-01

MARCH 10, 2006

MR. JOHN MERRITT
OPTIMA PROPERTIES
SMITH MOUNTAIN LAKE, LLC
816 DAVIDSON STREET
RALEIGH, NORTH CAROLINA 27609

REFERENCE:
• REZONE REQUEST; A-1 & R1 TO RPD, CASE # U 06-01-01
• SPECIAL USE PERMIT, UTILITIES, WATER & SEWER, CASE # U 06-01-01
• SPECIAL USE PERMIT, PRIVATE ROADS, CASE # U 06-01-02
• SPECIAL USE PERMIT, STORAGE FACILITY, CASE # U 06-01-03
TAX MAP # 52, PARCEL #S 2, 2.1; 2.2, 2.3, AND 4.1

STATE OF VIRGINIA:
BEFORE THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY

A +/- 8.250 ACRE PARCEL OF LAND, A PORTION) OF 12.613 ACRES AND A PORTION OF 66.796) ACRES, LOCATED AT THE)
INTERSECTION OF STATE) ROUTE 988 AND 938, ROCK CLIFF ROAD AND) STATE ROUTE 1440, IVY LANE, IN THE UNION)
HALL MAGISTERIAL DISTRICT OF FRANKLIN COUNTY) RECORDED AS TAX MAP # 52, PARCEL #S 2, 2; 2.1; 2.2, 2.3, AND TAX)
MAP # 52, PARCEL # 4.1, IN THE FRANKLIN COUNTY REAL ESTATE TAX) RECORDS.)

AMENDED FINAL ORDER

TO THE HONORABLE SUPERVISORS OF FRANKLIN COUNTY:

WHEREAS, THE PETITIONER, OPTIMA PROPERTIES, SMITH MOUNTAIN LAKE, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY, DID PETITION THE FRANKLIN COUNTY BOARD OF SUPERVISORS TO OBTAIN A SPECIAL USE PERMIT FOR THE PURPOSE OF UTILITIES, WATER AND SEWER PLANT FOR TREATMENT WITH APPURTENANT DISTRIBUTION SYSTEM, CONCURRENT WITH A REZONE REQUEST OF APPROXIMATELY 79.409 ACRES TO RPD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT.

WHEREAS, AFTER DUE LEGAL NOTICE AS REQUIRED BY SECTION 15.2-2204, AND 15.2, OF THE CODE OF VIRGINIA OF 1950, AS AMENDED, THE PLANNING COMMISSION DID HOLD A PUBLIC HEARING ON JANUARY 10, 2006, AT WHICH TIME ALL PARTIES IN INTEREST WERE GIVEN AN OPPORTUNITY TO BE HEARD; AND

WHEREAS, AFTER FULL CONSIDERATION AT THE PUBLIC HEARING HELD ON FEBRUARY 21, 2006, THE FRANKLIN COUNTY BOARD OF SUPERVISORS DETERMINED THAT THE SPECIAL USE PERMIT REQUEST FOR THE PURPOSE OF UTILITIES, WATER AND SEWER PLANT FOR TREATMENT WITH APPURTENANT DISTRIBUTION SYSTEM, BE APPROVED, WITH THE FOLLOWING CONDITIONS:

CONDITIONS:

1. A PRIMARY AND 50% RESERVE AREA CAPABLE OF PROVIDING AN APPROVED METHOD OF SEWAGE DISPOSAL FOR THE PROPOSED USE MUST BE DEDICATED AND APPROVED BY VDH PRIOR TO ANY APPROVALS GRANTED BY THE PETITIONER. THE PETITIONER SHALL BE RESPONSIBLE FOR THE COSTS OF PLANNING AND/OR BUILDING INSPECTIONS FOR THE SUBJECT PROPERTY.
2. ALL LOTS WILL BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS DESIGNED TO COMPLY WITH ALL STATE AND COUNTY ORDINANCES.
3. EFFLUENT FROM ANY FUTURE WASTEWATER TREATMENT FACILITY SHALL BE DISINFECTED BY ULTRA-VIOLET LIGHT PRIOR TO SUB-SURFACE DISPOSAL.
4. ANY FUTURE WASTEWATER TREATMENT FACILITY SHALL PROVIDE ADEQUATE TREATMENT TO REDUCE THE EFFLUENT STRENGTH TO THE FOLLOWING MAXIMUM CONTAMINANT LEVELS:

BIOCHEMICAL OXYGEN DEMAND (BOD)

30 MG/L

TOTAL SUSPENDED SOLIDS (TSS) 30 MG/L

5. DESIGN OF ANY FUTURE WASTEWATER FACILITY SHALL COMPLY WITH THE CURRENT VDH AND DEQ SEWAGE TREATMENT AND COLLECTION REGULATIONS AND ONSITE SEWAGE HANDLING AND DISPOSAL REGULATIONS AND ANY RELATED INTERPRETATIONS AND GUIDANCE MEMORANDUM POLICIES.
6. DOCUMENTATION OF ALL SOILS INFORMATION AND DRAINFIELD SIZING SHALL BE PROVIDED FOR REVIEW WHICH WILL INCLUDE CALCULATIONS FOR GROUNDWATER MOUNDING AND NITRATE LOADING. DOCUMENTATION SHALL ALSO INCLUDE INFORMATION TO VALIDATE ANY ASSUMPTIONS MADE IN THE CALCULATION SUCH AS DEPTH TO ANY RESTRICTIVE LAYERS BELOW INSTALLATION DEPTH.
7. ANY AREAS DESIGNATED ON THE SITE PLAN AS DRAINFIELD RESERVE SHALL NOT BE DISTURBED AND SHALL REMAIN IN ITS CURRENT CONDITION, EXCEPT AS TO PROVIDE FOR WALKING TRAILS OR OTHER PASSIVE RECREATIONAL USES AND/OR THE PLANTING OF FLOWERS, GARDENS, ETC.
8. THE APPLICANT SHALL CONNECT TO THE COUNTY SEWAGE TREATMENT SYSTEM SHOULD IT BECOME AVAILABLE.
9. THE APPLICANT SHALL CONNECT TO THE COUNTY WATER SYSTEM IN ACCORDANCE WITH THE REGULATIONS OF CHAPTER 22 SHOULD THE SAME BECOME AVAILABLE.
10. THE MASS DRAINFIELD SHALL ONLY SERVE SEWAGE GENERATED FROM THE DEVELOPMENT PROPOSED ON TAX PARCELS 52-2, 52-2.1, 52-2.2, 52-2.3, AND 52-4.1.
11. THE APPLICANT SHALL PROVIDE AN OPERATIONS PLAN FOR THE TREATMENT FACILITY AND DRAINFIELD TO INCLUDE ESTABLISHMENT OF ESCROW FOR THE MAINTENANCE AND OPERATION AND CAPITOL REPLACEMENT OF EQUIPMENT, AND SHALL APPOINT A TRUSTEE WHO SHALL BE RESPONSIBLE FOR THE ADMINISTRATION OF THE PLAN, OR TRANSFER OWNERSHIP TO A LICENSED OPERATOR APPROVED BY THE STATE OF VIRGINIA.
12. WELLS TO MONITOR GROUND WATER QUALITY SHALL BE INSTALLED UNDER THE AUSPICES OF THE VIRGINIA DEPARTMENT OF HEALTH IF REQUIRED BY VIRGINIA DEPARTMENT OF HEALTH.

NOW, THEREFORE BE IT ORDERED THAT THE AFOREMENTIONED PARCELS OF LAND, WHICH ARE CONTAINED IN THE FRANKLIN COUNTY TAX RECORDS AS TAX MAP # 52, PARCEL #S 2, 2.1; 2.2, 2.3, DEED BOOK 862, PAGES 1360, 1373; PLAT BOOKS 737/749, PAGES 1889/298; AND TAX MAP # 52, PARCEL # 4.1, DEED BOOK 862, PAGE 1360, PLAT BOOK 738, PAGE 392; BE GRANTED THE REQUEST TO OBTAIN A SPECIAL USE PERMIT FOR THE PURPOSE OF UTILITIES, WATER AND SEWER PLANT FOR TREATMENT WITH APPURTENANT DISTRIBUTION SYSTEM, CONCURRENT WITH A REZONE REQUEST OF APPROXIMATELY 79.409 ACRES TO RPD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT.

ACCORDING TO SECTION 25-641 OF THE FRANKLIN COUNTY ZONING ORDINANCE A SPECIAL USE PERMIT SHALL EXPIRE EIGHTEEN (18) MONTHS FROM THE DATE OF APPROVAL (FEBRUARY 21, 2006) IF NO COMMENCEMENT OF USE, STRUCTURE, OR ACTIVITY HAS TAKEN PLACE.

PRIOR TO THE COMMENCEMENT OF ANY GRADING OR CONSTRUCTION YOU MUST OBTAIN ANY APPLICABLE PERMITS AND PAY ANY APPLICABLE FEES INCLUDING BUT NOT LIMITED TO EROSION AND SEDIMENTATION CONTROL STONY WATER, SITE PLAN REVIEW, ZONING AND SUBDIVISION. PLEASE CONTACT THE PLANNING OFFICE IF YOU HAVE ANY QUESTIONS IN REGARD TO APPLICABLE PERMITS AND/OR FEES.

FINAL ORDER
CASE # U 06-01-01

BE IT FURTHER ORDERED THAT A COPY OF THIS ORDER BE TRANSMITTED TO THE SECRETARY OF THE PLANNING COMMISSION AND THAT SHE BE DIRECTED TO REFLECT THIS CHANGE ON THE OFFICIAL ZONING MAP OF FRANKLIN COUNTY.

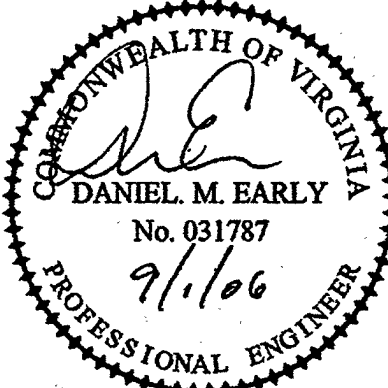
ADOPTED ON MOTION OF SUPERVISOR MR. CHARLES POINDEXTER, SECONDED BY SUPERVISOR MR. RUSSELL JOHNSON, UPON THE FOLLOWING RECORDED VOTE:

AYES: ANGELL, HURT, JOHNSON, MITCHELL, POINDEXTER, QUINN, WAGNER
NAYES:
ABSENT:
ABSTAIN:

CLERK
PLANNING COMMISSION CLERK, FOR THE
FRANKLIN COUNTY BOARD OF SUPERVISORS
DATE

** VOTING INFORMATION WAS SUBMITTED TO ME FROM MS. SHARON TUDOR, DEPUTY CLERK FOR THE BOARD OF SUPERVISORS.

FINAL ORDER
CASE # U 06-01-01



ACS DESIGN

ENGINEERING • SURVEYING
LANDSCAPE ARCHITECTURE
CONSTRUCTION MANAGEMENT

2203 PETERS CREEK ROAD
ROANOKE, VIRGINIA 24017
P 540.582.2345 F 562.2344
INFO@ACSDSIGNLLC.COM
WWW.ACSDSIGNLLC.COM

THE COVES AT SMITH MOUNTAIN LAKE

The Coves at Smith Mountain Lake
Optima Properties-Smith Mountain Lake, LLC
Franklin County, Virginia

DRAWN BY: AH
DESIGNED BY: DME
CHECKED BY: DME
DATE: 01 MAY 2006
JOB NUMBER: 05271

REVISIONS:

No. 1	Rezone Documents 8/18/06
No. 2	
No. 3	
No. 4	

SHEET NO.:

C1.3A

REZONING
DOCUMENTS