

FRANKLIN COUNTY
ZONING MAP AMENDMENT APPLICATION

I/We SML Partners, LLC as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors for a zoning map amendment on the property described below:

Petitioner's Name: SML Partners, LLC, by Counsel, C. Holland Perdue III

Petitioner's Address: 245 S. Main Street Rocky Mount, Virginia 24151

Petitioner's Phone Number: 540-483-9269

Petitioner's Email Address: Office@raineandperdue.com

Property Owner's Name: SML Partners, LLC

Property Owner's Address: 131 Plantation Ridge Drive Mooresville, NC 28117

Property Owner's Phone Number: 704-309-9880

Property Owner's Email Address: Jshott@diamondblackllc.com

Property Information:

A. Proposed Property Address: 2189 Moorman Road (physical address), known as Tract A, containing 71.605 acres, Brightwater at SML Subdivision

B. Tax Map and Parcel Number: 0020000100

C. Election District: boone

D. Size of Property: 71.605 acres (survey Deed Book 1203 at Page 1875

E. Existing Zoning: RPD

F. Existing Land Use: Undeveloped Waterfront Lots

G. Is the property located within any of the following overlay zoning districts:

Corridor District Westlake Overlay District Smith Mountain Lake Surface District

H. Is any land submerged under water or part of Smith Mountain Lake? YES NO

If yes, please explain: 26.347 acres below the 800' contour but will not affect the subdivision of 71.605 acres

Proposed Zoning Map Amendment Information:

I. Proposed Land Use: Residential Subdivision

J. Size of Proposed Use: 71.605 Acres

K. Other Details of Proposed Use: To amend ordinance #11-09-2021 and Resolution #08-12-2021 for the subdivision of Tract A, 71.605 ares, into Lots 73A through 77

**Phase 3, Brightwater at SML Subdivision with a 30' access
easement with pull-off and gravel road for emergency vehicular turn around**

Checklist for Completed Items:

- Application Form
- Letter of Application
- Concept Plan
- Application Fee

I certify that this application for a zoning map amendment and the information submitted is herein complete and accurate.

Petitioner's Name (Printed): C. Holland Perdue, III

Petitioner's Signature: 

Date: 02/03/2025

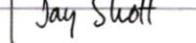
Mailing Address: 245 South Main Street
Rocky Mount, VA 24151

Phone Number: 540-483-9269

Email Address: Office@raineandperdue.com

Owner's consent, if petitioner is not property owner:

Owner's Name: SML Partners, LLC
Jay Shott

Owner's Signature: 
D977F32EEDAF44B...

Date: 2/3/2025

Date Received by Planning Staff: _____

THE LAW OFFICES OF
RAINE & PERDUE, P.L.C.
PERDUE - MONTGOMERY BUILDING
245 SOUTH MAIN STREET
ROCKY MOUNT, VIRGINIA 24151

MICHAUX RAINÉ III (1936-2010)
CLYDE H. PERDUE, JR. (1954-2021)
C. HOLLAND PERDUE III

(540) 483-9269
FAX (540) 483-2828
OFFICE@RAINEANDPERDUE.COM

February 2, 2025

County of Franklin
Planning and Community Development
1255 Franklin Street
Suite 103
Rocky Mount, VA 24151

Re: Zoning Map Amendment
SML Partners, LLC
Subdivision of Tax Map/Parcel #2.-1
Boone Magisterial District
Zoned RPD

To Whom it May Concern:

This office represents SML Partners, LLC. This Letter of Application is being provided to submit our proposal for Amendment to the Zoning Map and Concept Plan as to the subdivision of Tax Map/Parcel #2.-1, known as Tract A, having the 911 Address of 2189 Moorman Road Hardy, VA 24101.

Enclosed herewith is the completed Zoning Map Amendment Application along with the new Concept Plan for SML Partners, LLC.

Attached hereto you will find the new Concept Plan, in which my clients are requesting Tract A be subdivided into five (5) lots to be known and designated as Lots 73A through 77, Phase 3, Brightwater at Smith Mountain Lake. Lot 73A, containing 14.46 acres, will be created by a boundary line adjustment with the existing Phase 2 lot, Lot 73. Lot 74 through 77 will contain 15.01 acres being accessed by a 30' wide private access easement.

I hope this will be a simple and uncontested matter as Tract A's topography will not withstand the original, approved Concept Plan. Phase 1 and Phase 2 of Brightwater at SML has shown great success for the growth and expansion of the Smith Mountain Lake area, and the subdivision of Tract A will provide greater opportunity for the Brightwater at SML subdivision's plan to become an upscale, single-family residential neighborhood.

This amendment shall not effect the surrounding area as this will be an expansion of the existing Subdivision. Further, Tract A lies on a peninsula of Smith Mountain Lake, so this will not cause a disturbance to any surrounding subdivisions and/or residential homes.

My clients are requesting that these lots remain RPD as set forth in the original Ordinance #11-09-2021, and ensure that these lots will be incorporated into the Declaration of Restrictions, Covenants, and Conditions of Brightwater at SML and the Road Maintenance Agreement.

We appreciate your consideration of this application and request to be placed on the earliest hearing date with the Planning Commission.

Should you have any further questions concerning the enclosed application or Concept Plan, please feel free to call me or Jay Shott. Jay can be reached at (704)309-9880.

CHPIII/mgp
Enclosures
cc: SML Partners, LLC

C. Holland Perdue III

Ordinance # 11-09-2021

APPLICATION FOR REZONE— Application of Jay Schott, Applicant, and SML Partners, LLC, Owner, requesting to rezone, with possible proffers, an approximate 195 acres of property currently in three parcels from A-1, Agricultural, to RPD, Residential Planned Development. The three parcels of property are located along Moorman Road in the Boone District of Franklin County and further identified by Franklin County Real Estate Records as Tax Map/Parcel #s 0020000100, 00200000101, and 0020000102. The purpose of this rezoning is to allow for residential development. These properties have a future land use designation of Low Density Residential. (Case REZO-06-21-16967)

WHEREAS, Mr. Jay Schott and SML Partners, LLC, did file an application requesting to rezone approximately 195 acres of property from A-1, Agricultural, to RPD, Residential Planned Development.

WHEREAS, after due legal notice as required by Section 15.2-2204/2205 of the Code of Virginia of 1950, as amended, the Planning Commission and Board of Supervisors did hold public hearings on July 13 and September 21, 2021, respectively, at which time all parties in interest were given an opportunity to be heard, and

WHEREAS, after full consideration, the Franklin County Planning Commission recommended APPROVAL of the rezoning, with proffered conditions, and

WHEREAS, after full consideration, the Franklin County Board of Supervisors determined that the requested rezone will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such rezone will be in harmony with the purpose and intent of the County Code with the uses permitted by right in the zoning district, and with the public health, safety and general welfare to the community and APPROVED the request to rezone from A-1, Agricultural, to RPD, Residential Planned Development, with the following proffered condition, and with a deviation from the open space requirements of RPD as shown on the sketch plan:

The property shall be developed in substantial conformance with the concept plan titled “Moorman Road Development Residential Subdivision,” prepared by Brooks Engineering Associates, dated May 19th, 2021.

THEREFORE, BE IT ORDAINED, that a copy of this Ordinance be transmitted to the Clerk of the Planning Commission, the Franklin County Commissioner of Revenue and the Franklin County Zoning Administrator and that the Clerk be directed to reflect this action to APPROVE the rezone in the records of Franklin County.

On the motion by Ronald Mitchell to approve the requested rezone, and seconded by Lorie Smith, said motion was APPROVED by the following recorded vote:

AYES: Carter, R. Mitchell, Smith, Tatum

NAYS: Cundiff, L. Mitchell, Thompson

Roll Call was Taken

Madeline L. Sefcik

Madeline L Sefcik, CMC, Clerk
Franklin County Board of Supervisors

10/29/21

Date





(RESOLUTION #08-12-2021)

APPLICATION FOR SPECIAL USE PERMIT- Application of Jay Schott, Applicant, and SML Partners, LLC, Owner, requesting a special use permit, with possible conditions, to allow for the installation of private roads on an approximate 195 acres of property currently in three parcels. The parcels are located along Moorman Road in the Boone District of Franklin County and further identified by real estate records as Tax Map/Parcel #s 0020000100, 0020000101, and 0020000102. The properties have recently been rezoned from A-1, Agricultural to RPO, Residential Planned Development, where private roads are permitted by issuance of a special use permit from the Franklin County Board of Supervisors. The 195-acre property has a future land use designation of Low Density Residential (Case# SPEC-08-21-17011).

WHEREAS, Jay Schott, Applicant, and SML Partners, LLC, Owner, did file an application requesting a special use permit, with possible conditions, to allow for the installation of private roads on an approximate 195 acres of property currently in three parcels, and

WHEREAS, after due legal notice as required by Section 15.2-2204/220S of the Code of Virginia of 1950, as amended, the Planning Commission did hold a public hearing on September 14, 2021 and the Board of Supervisors did hold a public hearing on September 21, 2021 at which time all parties in interest were given an opportunity to be heard, and

WHEREAS, after full consideration, the Franklin County Planning Commission recommended APPROVAL of the special use permit, with twelve (12) conditions as follows:

1. Before any lots are conveyed and in conjunction with the approval and recordation of after the final subdivision plat of any phase of development, is approved and recorded, the Developer shall record a Declaration of Covenants for the subdivision establishing a mandatory property owners' association (the "Association") and shall include reference of such on the final plat. Under the Declaration, the Association (as successor declarant to the Developer) shall have the obligation to maintain all private roads in the subdivision to Virginia Department of Transportation (VDOT) standards and shall have the authority to levy assessments to pay for the maintenance of common areas (including the private roads), and to file liens against any lot whose owner does not pay the assessment. Unless and until roads in the subdivision are accepted into the state system, each year a portion of the assessment shall be designated for the Association's private road maintenance reserve fund such that the fund is sufficient to meet the 20-year maintenance requirements to maintain the roads up to VDOT standards.

2. Upon completion of the roads in the subdivision, the Developer will provide to the Franklin County Planning Department a certification from an engineer licensed in Virginia that the private roads in the subdivision have been built to applicable VDOT public street standards. In conjunction with the recordation of the final subdivision plat, the Developer will execute and submit to the County a road maintenance agreement substantially in conformance with Exhibit "Conditions submitted by SML Partners LLC for Special Use Permit Request SPEC-08-21-17011, under which the Developer (as the initial Declarant) warrants for a period of twenty years after the subdivision's roads are either certified as completed or are accepted into the state system, whichever occurs first, that the subdivision's roads will be properly maintained to VDOT standards. At the same time, the Developer will provide a certification from a traffic engineer licensed in Virginia, of an estimate of the expected costs to maintain the roads to state standards for twenty years after the roads are completed to state standards. Unless and until the roads in the subdivision are accepted by VDOT, every five years thereafter the Association will obtain an updated maintenance cost estimate for the following 20 years from a traffic engineer licensed in Virginia. The Association will levy periodic assessments over that twenty-year period, with such assessments to be



deposited in a designated road maintenance reserve fund, as will be required in order to adequately fund the estimated road maintenance costs for the latest twenty-year estimate.

3. Unless and until the subdivision's roads have been accepted into the state system by VDOT, at the closing on the initial sale of each lot, the purchaser of that lot will pay to the Association \$1,000.00 to be deposited into the Association's designated road maintenance reserve fund.

4. On an annual basis, within fifteen days of receipt of a written request by the Franklin County Planning Department, the Association shall make available to the Planning Department's designated representative the Association's maintenance fund records for inspection to confirm that maintenance fees are being assessed and collected in substantial accordance with Conditions 2 and 3.

5. For a period of twenty years after either completion of the subdivision's roads to VDOT public street standards or until the subdivision's roads are accepted into the state system, whichever occurs first, the Developer shall be a joint account holder on the Association's road maintenance fund (together with the Association).

6. In conjunction with the recordation of the final subdivision plat and the Declaration of Covenants, the Developer (as the initial Declarant) will submit to the County a letter of credit or bond equaling the amount of the twenty-year road maintenance estimate provided by a traffic engineer licensed in Virginia as referenced in paragraph 2 above. This letter of credit or bond shall be in addition to any bond or letters of credit required for the construction of the roads. On an annual basis, the amount of the letter of credit and/or bond may be reduced by an amount equal to the assessments paid into the special road fund and may also be reduced by the actual costs incurred in maintaining the roads after the roads have been certified to meet VDOT state standards.

7. Any remaining road maintenance bond or letter of credit will be fully released at the earlier of a) the date the roads in the subdivision are accepted into the state system by VDOT, or b) twenty years from the date of the engineer's letter certifying the roads have been completed to VDOT public street standards.

8. The restrictive covenants in the aforesaid Declaration shall include the following minimum development standards:

a. There shall be no mobile home dwelling on any lot.

b. The primary dwelling unit on each waterfront lot must be a minimum of eighteen hundred (1,800) finished square feet of fully enclosed heated living area ("Living Area" as used in this instrument excludes basements, seasonal porches, breezeways, garage, decks and the like.) The primary dwelling unit on each interior lot shall be a minimum of fourteen hundred (1,400) finished square feet of fully enclosed heated living area.

c. Roofing on all buildings shall be either natural slate, wood shake, asphalt or fiberglass shingle, with standing seam coated steel (tin roof), or concrete shingles. Shingles on any dwelling must have a minimum 30-year manufacturer warranty. The roof of any dwelling and any detached garage shall have a minimum 5/12 roof pitch. All dwellings shall include a minimum of three (3) elevations and/or opposing roof lines, at least two of which must be on the front elevation, which may not include a pediment but may include dormers or an attached garage, each of which must be visually substantial, and which may be step down or opposing roof angles, excluding detached garages. The roof pitch of detached garages and accessory buildings must be similar to the primary dwelling.

d. All garages and other permanent structures, such as storage rooms, retaining walls, etc., shall be built of similar or complimentary materials as was used on the primary dwelling. No cinder



Franklin County

A Natural Setting for Opportunity

clock, cement, solite block, vinyl siding, T 1-11 or asphalt shingle siding and the like shall be permitted for the finished exterior or any structure except for masonry foundations which must be covered with brick or natural or manufactured stone veneer, or sealed, parged and painted to conceal block joints; provided, however, that poured foundations with brick simulation shall be acceptable. All fuel tanks over 100 gallons must be buried. All above ground tanks shall be screened from casual observation from other properties.

9. The private roads shall be developed in general conformity with the master plan entitled "Moorman Road Development, Residential Subdivision," dated May 19, 2022.

10. To the extent not inconsistent with public street standards VDOT would require to accept the roads in the State System, the private roads shall be developed in accordance with the standards listed in Sec. 25-305.- Streets, and Sec. 25-310. - Same- Internal relationships.

11. Although the streets will be private, the Developer will construct all private streets in accordance with current VOOT subdivision requirements for public streets.

12. The Developer will provide a note on the subdivision plat identifying the streets as private and referencing the private maintenance responsibility unless and until the roads are accepted into the public street system by VDOT.

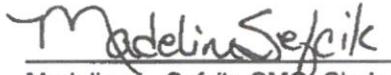
WHEREAS, after full consideration, the Franklin County Board of Supervisors determined that the requested special use permit will not be of substantial detriment to adjacent properties, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the County Code, the uses permitted by right in the zoning district, and with the public health, safety and general welfare to the community, and APPROVED the request for a special use permit for the installation of private roads with the eleven (11) recommended conditions.

THEREFORE, BE IT RESOLVED, that a copy of this Resolution be transmitted to the Clerk of the Planning Commission, the Franklin County Commissioner of Revenue, and the Franklin County Zoning Administrator, and that the Clerk be directed to reflect this action to APPROVE the special use permit in the records of Franklin County.

On the motion made by Ronald Mitchell to approve the special use permit, and seconded by Mike Carter, said motion was APPROVED by the following recorded vote:

AYES: Carter, Cundiff, L. Mitchell, R. Mitchell, Smith, Tatum, Thompson

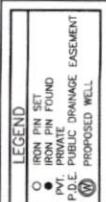
Roll Call Vote



Madeline L. Sefcik, CMC, Clerk
Franklin County Board of Supervisors

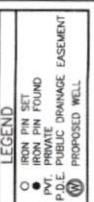
12-21-21

Date

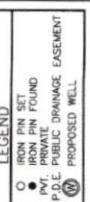


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DK 120315 1075



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RECEIPT (TRC-118067-08-10-2024)
FOR FRANKLIN COUNTY

BILLING CONTACT

SML PARTNERS LLC
131 Plantation Ridge Dr
Mooresville, Nc 28117



Payment Date: 10/08/2024

Reference Number	Fee Name	Transaction Type	Payment Method	Amount Paid
REZO-10-2024-18122	Planned Development - Rezoning 2189 Moorman Rd Hardy, VA 24101	Fee Payment	Check #22043	\$1,020.00
			SUB TOTAL	\$1,020.00
			TOTAL	\$1,020.00