

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON SEPTEMBER 12, 2012 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Lau, Chair, called the meeting to order and welcomed Ms. Jeanne Stosser to the Planning Commission.

DETERMINATION OF A QUORUM:

Mr. Tuttle established the presence of a quorum.

Present: Frank Lau, Chair
Joel Donahue, Vice-Chair
John Tuttle, Secretary
Robert Miller, Member
William Seitz, Member
Bryan Rice, Member
Jeanne Stosser, Member
Cindy W. Disney, Member
Chris Tuck, Board of Supervisors Liaison
Steven Sandy, Planning Director
Dari Jenkins, Planning & Zoning Administrator
Brea Hopkins, Planning & Zoning Technician

Absent: Jamie MacLean, Development Planner

APPROVAL OF AGENDA:

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

APPROVAL OF CONSENT AGENDA:

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

PUBLIC HEARING:

Request by James C. & Lorilee B. Tannahill to amend a special use permit previously approved on May 23, 2011 (R-FY-11-122) to remove condition #2 requiring the existing parking area to be surfaced to provide a durable and dustless surface. The property is located at 2397 Tyler Road and is identified as Tax Parcel No. 104-A-13A (Acct # 029000) in the Riner Magisterial District (District D). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan and Business in the Route 177 Corridor Plan.

Mr. Lau introduced the request.

Ms. Jenkins presented maps showing the location of the property. The property is zoned General Business (GB). The request is to allow an amendment to the special use permit that was issued on May 23, 2011 to allow the construction of a 40x80 addition. The existing use of the property is a truck and heavy equipment repair facility. The use was considered nonconforming; however, a special use permit was required prior to the construction of an addition. Upon approval by the Board of Supervisors the special use permit was subject to seven (7) conditions. One of those conditions required the site to meet the dustless surface requirements and be paved. The site plan was approved on October 24, 2011 which showed a paved connection to the parking area. The owners felt the planning commission and the board had knowledge that there was no intention to pave any additional area due to the heavy trucks navigating the site. Staff had concerns allowing gravel due to dust, and the location of the site being within the 177 corridor; which makes it subject to higher standards. The decision of the zoning administrator that the site would be required to be paved was appealed to the Board of Zoning Appeals. The BZA has tabled their action to allow clarification from the Board of Supervisors as to their intent. The county attorney issued an opinion that the only way to require less paving is to remove the condition from the previously approved special use permit and waive the paving requirement per section 10-44(1) of County Code which states "In the case of an expansion of an existing use, only the expansion shall be required to meet these regulations. The existing use and parking areas shall be deemed to be exempt from said

regulations". At present the construction of the addition is complete; however, the owners must install the paved driveway or gain approval of the amended special use permit prior to obtaining a Certificate of Occupancy. The property owners prefer not to pave the travel lane due to the potential damage by heavy equipment and the subsequent reoccurring costs to continuously repave the site. Staff has spoken to Melissa Skelton with the City of Radford since this site lies within the 177 corridor area. She indicated the City of Radford had no objections to the request.

Ms. Stosser asked if the site was on a state maintained highway or if it was along a gravel road.

Ms. Jenkins it was located off of a private access easement which is paved. She noted the adjoining buildings are illegally occupied and there are no approved site plans on record for those sites.

Ms. Stosser asked if there was a different standard for private vs. public streets.

Ms. Jenkins stated there are two definitions of street- public and private and the chapter requiring the paving is applicable to both types of streets.

Mr. Rice asked what would/would not be paved if the proposed paving amendment is approved.

Ms. Jenkins noted that staff has been lenient and not required the storage area to be paved, only the parking area and the drive aisle. The intent was to meet the durable and dustless surface requirement. There are hopes that this area will develop with other commercial uses.

Mr. Lau stated this site appeared to be unique from others in the type of use.

Mr. Lau opened the public hearing.

Mrs. Tannahill, property owner, stated she would like to address the concerns regarding dust. Given the low speed of the equipment and trucks dust is not generated. The truck stop has a gravel area for the trucks, as do the adjoining owners. The site is located along a private road. Trucks or heavy equipment pivoting on pavement causes it to break up. There is a small amount of turning area so any paved area in that drive aisle is going to be destroyed by the heavy trucks. There will be a paved area for handicap parking and there is currently pavement in front of the offices.

There being no other speakers present, Mr. Lau closed public hearing.

Mr. Seitz noted this appeared to be a unique situation in which staff is trying to find a solution to this issue. The approach proposed by staff does not appear to be unreasonable.

Mr. Rice stated he realized asphalt is not a good use for this site; however, there are other dustless surfaces which could be used such as concrete.

Mr. Lau noted concrete is an expensive solution. The vehicles maneuvering this site are not moving at the extent to which a large amount of dust would be created.

Mr. Tuttle stated he was in support of the amendment to remove the condition because it is a unique situation.

A motion was made by Mr. Seitz, seconded by Mr. Donahue to recommend approval of a request by James C. & Lorilee B. Tannahill to amend a special use permit previously approved on May 23, 2011 (R-FY-11-122) to remove condition #2 requiring the existing parking area to be surfaced to provide a durable and dustless surface.

Ayes: Disney, Donahue, Lau, Miller, Seitz, Stosser, Tuttle
Nays: Rice
Abstain: None

The property is located at 2397 Tyler Road and is identified as Tax Parcel No. 104-A-13A (Acct # 029000) in the Riner Magisterial District (District D). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan and Business in the Route 177 Corridor Plan.

An ordinance to renew the following Agricultural and Forestal District(s) for another eight (8) year term:

District #3 (Little River) is generally located to the east of the boundary between Montgomery and Pulaski Counties and is in the vicinity of Indian Valley Rd. (Rt. 787) and Piney Woods Rd. (Rt. 600). Currently, AFD 3 consists of 13 property owners and approximately 1283.3 acres. The proposed new district would consist of approximately 20 property owners and 1716.613 acres.

District #4 (Silver Lake Rd.) is generally located to the west of the Town of Christiansburg, and is in the vicinity of Silver Lake Road (Route 661). Currently, AFD 4 consists of 8 property owners

and approximately 869.8 acres. The proposed new district would consist of approximately 14 property owners and 1504 acres.

District #5 (Riner) is generally located to the north of the Montgomery and Floyd County boundary. This district, which currently encompasses over 7,000 acres, is located in the vicinity of Nolley Rd (Rt. 679), Union Valley Rd. (Rt. 669), Rustic Ridge Rd. (Rt. 616), and Piney Woods (Rt. 600). Currently, AFD 5 consists of 70 property owners and approximately 7623.63 acres. The proposed new district would consist of approximately 49 property owners and 6599.4 acres.

Mr. Sandy stated there are three (3) districts scheduled for renewal. These districts encourage agricultural or forestal uses. The state required the core of each district be at least 200 acres with other properties being located within two (2) miles of the core. He reviewed the map showing the core locations and properties for renewal. Some of the properties were placed into one of the other districts due to their proximity to the district cores. There have been some additions and withdrawals. The AFD felt very strongly about including anyone that wished to participate. He discussed the advantages to being part of an AFD.

Mr. Seitz asked if a new district could be created.

Mr. Sandy noted the AFD Committee chose to not create a district for administrative reasons and to maintain a larger district. This would alleviate issues which may arise if people should request to withdraw in the future.

Mr. Sandy reviewed the locations of the three (3) districts being considered for renewal and noted the AFD Advisory Committee had recommended approval of renewing each district.

AFD 3 is located near the Little River between Montgomery Co. and Pulaski Co. and was originally established in 1980. He reviewed the location of the core and other parcels. Currently the district consists of 13 property owners and 1283.3 acres. The proposed district up for renewal would consist of 37 parcels for a total of 1716.613 acres.

AFD 4 is in vicinity of Silver Lake road and was established in 1980. The district currently consists of 8 property owners and 869.8 acres. The proposed acreage is 1504 acres.

AFD 5 is located north of Montgomery and Floyd County line. Currently the district has 70 property owners and 7623.63 acres. With transfer of properties the total acreage for renewal would be 6599.40 acres.

Mr. Miller asked if the relationship with conservation easements could be discussed.

Mr. Sandy stated conservation easements help maintain the core, although there is not an additional tax advantage. Currently the \$20 application fee is waived for properties already located within a conservation easement.

Mr. Lau opened the public hearing for District #3; however, there being no speakers, the public hearing was closed.

A motion was made by Mr. Miller, seconded by Mr. Seitz to recommend approval of an ordinance to renew Agricultural and Forestal District(s) #3 for another eight (8) year term. District #3 (Little River) is generally located to the east of the boundary between Montgomery and Pulaski Counties and is in the vicinity of Indian Valley Rd. (Rt. 787) and Piney Woods Rd. (Rt. 600). Currently, AFD 3 consists of 13 property owners and approximately 1283.3 acres. The proposed new district would consist of approximately 20 property owners and 1716.613 acres.

Ayes: Disney, Donahue, Lau, Miller, Rice, Seitz, Stosser, Tuttle

Nays: None

Abstain: None

Mr. Lau opened the public hearing for District #4; however, there being no speakers, the public hearing was closed.

A motion was made by Mr. Miller, seconded by Mr. Seitz to recommend approval of an ordinance to renew Agricultural and Forestal District(s) #4 for another eight (8) year term. District #4 (Silver Lake Rd.) is generally located to the west of the Town of Christiansburg, and is in the vicinity of Silver Lake Road (Route 661). Currently, AFD 4 consists of 8 property owners and approximately 869.8 acres. The proposed new district would consist of approximately 14 property owners and 1504 acres.

Ayes: Disney, Donahue, Lau, Miller, Rice, Seitz, Stosser, Tuttle

Nays: None

Abstain: None

Mr. Lau opened the public hearing for District #5; however, there being no speakers, the public hearing was closed.

A motion was made by Mr. Miller, seconded by Mr. Seitz to recommend approval of an ordinance to renew Agricultural and Forestal District(s) #5 for another eight (8) year term. District #5 (Riner) is generally located to the north of the Montgomery and Floyd County boundary. This district, which currently encompasses over 7,000 acres, is located in the vicinity of Nolley Rd (Rt. 679), Union Valley Rd. (Rt. 669), Rustic Ridge Rd. (Rt. 616), and Piney Woods (Rt. 600). Currently, AFD 5 consists of 70 property owners and approximately 6599.4 acres.

Ayes: Disney, Donahue, Lau, Miller, Rice, Seitz, Stosser, Tuttle
Nays: None
Abstain: None

PUBLIC ADDRESS:

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

WORKSESSION:

On a motion by Mr. Donahue, seconded by Mr. Rice and unanimously carried the Planning Commission entered into worksession to discuss possible amendments to the zoning ordinance.

Keeping of chickens in residential zoning districts

Mrs. Hopkins stated staff has received several inquiries within the past few months regarding the keeping of chickens on properties located within the residential zoning districts. Currently, the keeping of chickens in residential areas is not permitted. Nearby counties have approved zoning ordinance amendments to allow chickens in residential areas; however, most have several restrictions/requirements attached to the use. She reviewed possible amendments to Section 10-41 "Supplemental District Regulations" and 10-61 "Definitions" for consideration. Some of the restrictions include not allowing chickens to roam free, prohibiting roosters, increased setback requirements, waste and sanitation requirements, etc. The amendment drafted would apply to the Residential (R-1), (R-2), and (R-2) zoning districts; however, may be extended to Planned Unit Development (PUD-Res) or Planned Unit- Traditional Neighborhood Development, TND, etc.). A ten (\$10) dollar zoning permit would be required for the keeping of chickens.

The commissioners discussed the number and size of properties that were zoned Residential.

Staff noted there were some properties that were in excess of 200 acres that were zoned Residential.

The commissioners recommended staff prepare a map depicting the location of Residential zoning districts and classify the properties by acreage. They noted it may be appropriate to require a minimum amount of acreage in order to have chickens.

Mr. Tuck indicated he would discuss the issue with the Board of Supervisors to obtain their opinions on the possible amendment and report to the Planning Commission at their next meeting.

Possible revisions to zoning regulations related to Lighting & Parking (Section 10-44)

Mrs. Hopkins stated staff has received comments regarding language contained in Section 10-44(2)(f) Additional requirements, which applies to parking lots with ten (10) or more parking spaces. She discussed the following ordinance sections and comments:

- Lighting. Any lights used to illuminate any parking area shall be so arranged and shielded as to confine all direct light entirely within the boundary lines of the parking area.

Comment: "confining all direct light entirely within the boundary lines of the parking area" is not possible. It would be better to list some sort of maximum light level at the property lines like 0.5 foot/candles.

- Parking in setback or yard. No parking or visual barrier shall be less than eight (8) feet from an abutting lot or right-of-way.

Comment: Eight feet from an abutting lot is excessive if in a commercial area, where there will often be shared parking lots. Suggest also that "public right-of-way line" be substituted for "right-of-way."

- Minimum size of all parking and maneuvering space. All individual parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet...

Comment: Parallel spaces are typically 8' x 20', longer for maneuvering, and narrower since there are not car doors at adjacent spaces to contend with.

The Commissioners discussed the comments and recommended staff proceed with ordinance amendments to address the lighting comments and the parallel parking space concerns.

On a motion by Mr. Seitz, seconded by Mr. Donahue and unanimously carried the Planning Commission closed the worksession.

LIAISON REPORTS:

Board of Supervisors: Mr. Tuck reported that the new courthouse will be open on October 9, 2012. The courthouse has plenty of room for future growth and was constructed \$4 million under budget. The building is scheduled to be dedicated in November. The public safety building will be located at the old courthouse after renovations. The old Prices Fork Elementary School has not yet been deeded to the county; and there has been discussion of placing it in a historic district. The Board of Supervisors is asking that it not be placed in a historic district so that it may be more marketable. Mr. Tuck noted that one of the chairs in the boardroom was dedicated to Mr. Pug Wells for his years of service.

Agriculture & Forestal District: Mr. Miller stated he had no additional information beyond the previous report given during public hearing.

Blacksburg Planning Commission: Mr. Lau stated the paper indicates a trend to expand student housing within Blacksburg. There is a project at the corner of Prices Fork and Toms Creek which will expand apartment density.

Ms. Stosser stated that the Town of Blacksburg was encouraging density closer to campus.

Christiansburg Planning Commission: No report.

Economic Development Committee: Mr. Tuttle stated the committee took a tour of the Smart Road. It was reported that the road brought in approximately \$30 million last year. They conducted a study regarding texting and driving which revealed you are 16 times more likely to wreck while texting and driving.

Public Service Authority: No Report.

Parks & Recreation: Ms. Disney stated the committee discussed concerns regarding a power line going through one of the park sites.

Radford Planning Commission: No report.

School Board: No report.

Planning Director's Report: Mr. Sandy noted the CPEAV conference will be held in October. Anyone wishing to attend should advise staff so registration and hotel arrangements can be made. He noted a joint meeting with the towns may be held in the future.

Mr. Miller stated Mr. Sandy is a nominee for the CPEAV state board.

The Commission discussed the NRV BUILT activity conducted by the NRV PDC. Mr. Seitz noted the activity would be very beneficial to the public. Ms. Disney stated she could see the activity being used to educate children.

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