

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON SEPTEMBER 11, 2013 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:**

Ms. Disney established the presence of a quorum.

Present: Bryan Rice, Chair  
Joel Donahue, Vice-Chair  
Cindy W. Disney, Secretary  
Coy Allen, Member  
Bryan Katz, Member  
Scott Kroll, Member  
Frank Lau, Member  
Chris Tuck, Board of Supervisors Liaison  
Brea Hopkins, Development Planner  
Dari Jenkins, Planning & Zoning Administrator  
Erin Puckett, Senior Program Assistant  
Steven Sandy, Planning Director

Absent: Sonia Hirt, Member

**APPROVAL OF AGENDA:**

On a motion by Mr. Lau, and seconded by Mr. Allen, and unanimously carried the agenda was approved.

**PUBLIC ADDRESS:**

Mr. Rice opened the public address. However, there being no comments the public address was closed.

**PUBLIC HEARING:**

1. Request by Cary Hopper (Agent: Gay and Neel, Inc.) to rezone approximately 1.606 acres from Agricultural (A-1) to Multiple Family Residential (RM-1), with possible proffered conditions, to allow two multifamily dwelling units in the form of one duplex and one triplex. The property is located 1534 Gallimore Street; identified as Tax Parcel Nos. 090-C 2 5C and 090-C 2 5A, (Account Nos. 130812 and 070735) in the Riner Magisterial District (District D). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Medium Density Residential within the Riner Village Plan with a proposed gross density of four (4) dwelling units per acre.

Mrs. Hopkins showed the location of the site on Radford Road. The floodway and flood zone intersect the northern portion of the property but the development will be outside of the flood area except for possibly a gravel drive. The request is for the rezoning of 1.6 acres total, across two (2) adjoining parcels. A new duplex is proposed on the northern lot, and a triplex is proposed in the existing building on the adjoining lot.

The surrounding area has a mix of sizes and types of uses and are generally zoned A-1. The parcels located across Radford Road from the site are zoned GB.

Mrs. Hopkins explained that in 1999 building and zoning permits were issued to allow a daycare associated with the existing church on the site. The church was later abandoned but the daycare remained. The daycare was later illegally renovated as residential units, which were later foreclosed on. The applicant bought the property under the impression that he was purchasing a triplex, then called the planning office and was informed it was an illegal use.

Mrs. Hopkins stated that VDOT had already determined that a commercial entrance would not be required for the proposed used; the existing entrance may be used but some asphalt may need to be removed as it is in the right-of-way. Site distance should also be indicated on site plans. The existing structure is served by PSA, as confirmed in a letter from Bob Fronk. An agreement to address maintenance responsibilities of the sewer lines will be required as a condition of the rezoning; the connection for the duplex unit has not yet been proffered. A letter from the County Schools indicated a potential for three (3) new students from this development, and asked that the impact on local schools be considered by the Planning Commission. During the plan review meeting, Neal Turner with Emergency Services expressed concerns with emergency access; however, the applicant has indicated on the concept plan that the gravel drive will be extended to the rear of the duplex.

Mrs. Hopkins further stated that the site has a future land use designation of Village Expansion/Medium Density Residential in the Comprehensive Plan. Single family homes, duplexes, and triplexes all fit in with the character of the surrounding neighborhood. The applicant has proffered a condition setting a maximum of five (5) residential units. Mrs. Hopkins said that she considers this to be in line with the Comprehensive and Village Plan.

Mrs. Hopkins states that adjoining property owners have been notified. Staff did receive two (2) calls. One of these was from a nearby duplex owner who wanted to discuss partnering to rezone his property as well. A second call was from the residents across Blair Street who expressed an opinion that they would be fine with any residential construction other than a trailer park. Mrs. Hopkins also read the list of proffers included in the application.

Mr. Kroll asked about the concept plan included in the packet, which did not appear to include the updated proffers.

Mrs. Hopkins confirmed that the applicant will need an updated proffer statement with a new date.

Mr. Rice invited Mr. Neel, agent for the owner, to come forward and speak about the request.

Mr. Neel, Gay and Neel, stated that Mr. Hopper's goal is to simply make the property useable for what he thought he was purchasing when he initially bought the property. He considers this to be a fairly light use compared to what would be allowed normally in a RM-1 zoning district. Mr. Hopper's intended use will improve the property, as it is currently very run down. Proper management and new tenants will increase the site's curb appeal and benefit the County.

Mr. Rice opened the floor up to any public comments, however, there being no comments the public hearing was closed. Mr. Rice then opened the issue to the Commission for discussion and action.

Mr. Kroll commented that he saw no issue with the application, provided a new proffer statement was issued, and moved for approval. The other Commissioners agreed.

A motion was made by Mr. Kroll and seconded by Mr. Donahue to recommend approval of the request by Cary Hopper for a rezoning of 1.606 acres from A-1 to RM-1, with proffered conditions, to allow two multifamily dwelling units in the form of one duplex and one triplex. The proffered conditions are as follows:

1. The Property will be developed substantially in accordance with the Conceptual Layout prepared by Gay & Neel, dated August 1st, 2013 (the "Concept Development Plan").
2. No more than 5 residential dwelling units shall be constructed on the Property.

3. Access to the existing building proposed for multi-family use shall be via the existing entrance on Gallimore Street. Access to the proposed two-family building shall be a proposed private driveway off of Blair Street. No access shall be proposed or allowed directly from Route 11. All improvements shall be at the sole expense of the developer.
4. The proposed development will preserve existing vegetation to the greatest extent possible. Proposed buffer yard shall be in conformance with the requirements of the zoning ordinance and shall be installed prior to the issuance of a certificate of occupancy. Existing vegetation can be credited towards the buffer requirements. Buffer shall not impede sight distance at the proposed or existing entrance.

Ayes: Allen, Disney, Donahue, Katz, Kroll, Lau, Rice  
Nays: None  
Abstain: None

2. Request by SHAH Development, LLC (Agent: Gay and Neel, Inc.) for an amendment to the Montgomery County 2025 Comprehensive Plan to change the policy map designation of approximately 8 acres of the former Elliston-Lafayette Elementary School property located at 5201 Tango Lane and further identified as Tax Map No. 060-1-A (Parcel ID 070690) from Planned Light Industrial/Commercial to Medium Density Residential or Mixed Use. Adjacent properties may also be considered.

Mr. Sandy explained that the site in question is approximately eight (8) acres and was a former elementary school. It was recently sold at auction and purchased by SHAH Development, LLC, who is now requesting an amendment to change the future land use designation to Medium Density Residential from Planned Light Industrial/Commercial. The zoning designation is A1. During the August Planning Commission meetings the Commission and staff discussed the fact that this is a part of an area composed of seven (7) adjoining properties near the Norfolk Southern railroad, and for this reason, all parcels may be considered. However, this is up to the Commissioners' discretion; the Planning Commission is not obligated to change the future land use of any of these parcels. The only formal request is specific to the eight (8) acre former school site.

Mr. Sandy explained that the entire area being considered for a policy map change is the school site, the two (2) parcels to the west and the four (4) parcels to the east. This area falls into the land use plan revised by the small area plan/corridor plan revised in 2012. The overall Village Plan includes the area from the Ironto interchange to (and including) Elliston. There are other Mixed Use and Commercial designations in the village area. The most recent change to the Elliston Village Plan was for the new Elliston elementary school.

Mr. Sandy recapped the criteria that allow for a Comprehensive Plan amendment, and explained that the property in question originally had a future land use designation of Civic, as it was a school. The small area plan passed in 2012 changed the future land use to Planned Light Industrial/Commercial. Prior to this corridor plan the surrounding properties were Medium Density Residential, and all are still zoned A-1. Mr. Sandy reminded those in attendance that the current discussion is only in regards to the future land use of the property under consideration. The future land use acts as a guide for the Commission and Board of Supervisors for future rezonings and development. Any change in zoning requires a formal application and public hearings; the request currently in front of the Commission is not changing the zoning of the property.

Mr. Sandy explained that the applicant originally requested that the future land use designation be changed to Medium Density Residential. Staff believes this may be too limiting, in terms of only allowing for one use in the future. Instead, staff recommends changing the designation to Mixed Use, which would give the Commission and Board more discretion in approving or denying future rezoning requests, and which provides more potential opportunities in terms of use.

Mr. Sandy said that he believes there is justification for this requested amendment, as the conditions have changed since the 2012 small area plan update. For one, the school is no longer in operation and the property is no longer owned by the County. In addition, there has been no real direction with the proposed intermodal

facility, and no indication of when or if it will be constructed. Mr. Sandy also explained that this requested Comprehensive Plan change is related to a specific request that is forthcoming which has proposed a 64 townhome development. This would support the Comprehensive Plan goals for housing. For these reasons, Mr. Sandy recommended that the Planning Commission consider allowing a future land use change to Mixed Use.

Mr. Sandy asked for any questions, and noted that Mr. Rutledge from SHAH Development and Mr. Neel from Gay and Neel are also here to answer questions. He also noted that all parcels under consideration for a land use change were sent letters, and that those affected responded with a letter to planning staff yesterday, which was handed out to the Planning Commissioners.

Mr. Lau asked if there is a map of where the potential intermodal facility would be located.

Mr. Sandy indicated on a map the general location of the facility, which would run parallel to 460.

Mr. Kroll asked what the future land use is of the small strip of parcels located to the east of those being considered.

Mr. Sandy said that these are also designated as Planned Light Industrial/Commercial, and are zoned GB, with some adjacent parcels being zoned Residential.

Mr. Rice invited the agent, Mr. Neel, to speak.

Mr. Neel thanked the Planning Commission for considering his client's request. He explained that after speaking with Planning Department staff, he and his client are in agreement that a future land use designation of Mixed Use would be fine. He also reiterated the fact that conditions have changed since the last future land use update in 2012, since the property is no longer a school or owned by the County, and since the future of the intermodal facility is more uncertain today than ever.

Mr. Neel further noted that the proposed development could support the Comprehensive Plan goal of infrastructure improvements. SHAH's proposed development would help bring public water and sewer to the area for future development. He also noted that the proposed townhomes, while not detached single-family residences, would still be more in character with the surrounding area than light industrial uses. Due to the location of the site, Mr. Neel believes it could provide an anchor for future commercial and mixed use development. Mr. Neel indicated that more details about the development are in the rezoning application, and Mr. Rutledge would be able to answer any questions.

Mr. Kroll asked if the forthcoming rezoning request is to rezone to RM-1.

Mr. Neel affirmed this.

Mr. Rice thanked Mr. Neel and opened the floor up to public comment.

Jack Reed (6120 North Fork Road) said that his mother's property is located at the corner of routes 603 and 460. He is not in agreement with the proposed future land use change to Mixed Use. If a developer in the future wanted to buy property in that area to put in a fuel center, i.e., for an intermodal facility, it may not be allowed near a medium density residential development. Mr. Reed also expressed a concern that longtime residents in the area may be forced to relocate, and if this is the case, they will need to maximize the value of their property. Mr. Reed expressed his belief that a medium density residential or mixed use development may break up the adjacent properties in a way that is not beneficial to the owners.

Marlene Taylor (6105 North Fork Road) expressed a concern regarding access if 64 new residential units are constructed, as Tango Lane is a small road. She believes that some other access may be needed if the development goes ahead.

Mr. Sandy replied that there will be a specific public hearing at a later date to discuss the rezoning application. However, it is his understanding that SHAH is proposing an entrance off of Route 460.

Mr. Rutledge, project manager for SHAH Development, said that some of these issues being brought up are related to the rezoning, not the current application, which is only for a Comprehensive Plan change. However, in regards to the access question, VDOT has approved a right in/right out entrance on Routes 11 and 460.

This would mean that residents of the townhome development would not need to use Tango Lane. This proposed entrance is only approved for a residential use, and if the use changed at a later time, it would not work for a new use.

Mr. Sandy repeated that this information will be included in next month's Planning Commission materials.

There being no further comments, Mr. Rice closed the public hearing and opened the item for discussion and action by the Commission.

Mr. Katz said that he feels there is a lack of a clear future of development in this area. He understands staff's recommendation to change the future land use to Mixed Use because of the flexibility it allows, but even so, he would prefer to change all or none of those parcels under consideration rather than change only one.

Mr. Kroll stated that he doesn't disagree with this. He further noted that some of adjacent parcels are small, so the potential for industrial use on those is not great. Commercial uses that support other development may be more likely. He said that he agrees that all parcels should be considered together, but expressed reservations that the future land use should be changed at all because this area just had its policy map amended in 2012 and at that time the Planning Commission had decided on Planned Light Industrial/Commercial for the area. Mr. Kroll stated that even though he understands that conditions have changed somewhat, the school was not in use at the time of the last future land use change, and he has reservations about backtracking on a decision made that recently. Mr. Kroll asked Mr. Sandy to elaborate on the potential use of this property as mixed use, and whether it will diminish the values of property for adjacent owners based on the current future land use designation.

Mr. Sandy noted that the school property was still owned by the County at the time of the last Plan update so the current owner would not have had the opportunity to comment. Mr. Sandy said that a Mixed Use designation will provide more opportunities for development, but he cannot speak to the increased or decreased value of the adjacent properties, as that will depend on what is actually developed there. To that end, a Mixed Use designation would allow a variety of uses. As previously noted, the small size of some of these parcels may not even allow for any industrial use. Mixed Use is more general and may give more options for developing or selling, and this is not a significant change from what exists in the area already.

Mr. Kroll asked if a gas station and/or convenience store would be a compatible use with the proposed townhome development, to follow up on Mr. Reed's concern.

Mr. Sandy said that it would be compatible, and that the Planning Commission and Board could look at the aspects of individual development proposals as they come.

Mr. Rice asked if the Commission and Board only change the designation of one parcel, would it hamper the development potential of the other properties remaining in Planned Light Industrial.

Mr. Sandy said that the Commission and Board would still have to consider each individual application. Furthermore, the previously discussed fuel storage facility may not be compatible with residential development, but storage buildings may be. This would be determined on a request by request basis.

Ms. Disney said that she believes there are already storage units in the area.

Mr. Sandy confirmed that there are storage buildings across North Fork Road from the site.

Ms. Disney asked if staff were aware of any potential offers from Norfolk Southern to purchase land in the area at this time.

Mr. Sandy said that he is not aware of any such offer.

Mr. Donahue said that he agrees that this area of small parcels should not be split up into different future land use classes. However, he also pointed out that the letter from Mr. and Mrs. Dubois and the other adjacent property owners makes some good points, in particular, that as a group the parcels could be suited to an industrial use, which would be further supported by the intermodal facility and plans by VDOT to improve North Fork Road. Mr. Donahue added that there are other areas of the County which are already designated as a future land use of Medium Density Residential where a townhome development could be located.

Furthermore, he noted that these seven parcels comprising approximately 22 acres are broken up by the SHAH Development property in the middle. If a developer wished to buy out and improve the area as a whole, a rezoning of the one SHAH property could prevent this.

Mr. Sandy said that he does not disagree with this reasoning, but it may hinge on whether the intermodal facility is ever built, which could happen some years down the line or not at all. At least a change to Mixed Use gives more opportunities for development if that never happens. Furthermore, Mr. Sandy pointed out that access for industrial uses may be an issue. There may be limited commercial and/or industrial entrance possibilities due to sight distance and other issues.

Mr. Donahue said that changing the future land use of one parcel would preclude industrial use even more by changing only one parcel's use.

Mr. Allen said that he sees no logic in splitting the lots up and agrees that they all should all have the same future land use designation. Mr. Allen expressed his opinion that Mixed Use allows for greatest development flexibility and he is in support of this change for all of the parcels.

Mr. Lau agreed, saying that Mixed Use could give an opportunity to more small entrepreneurs, without having to wait for one grand plan that may never come. Mixed Use may increase the economic vitality of the area. Mr. Lau said that he is also in favor of the change to Mixed Use for this reason.

Mr. Katz voiced his agreement, and added that in this particular case we know what's coming next in terms of the proposed rezoning. He suggested that the Commission instead approach this Comprehensive Plan change without considering the upcoming rezoning application, i.e., would the Commission consider a change to a Mixed Use future land use designation if they did not know the specific use to come?

Mr. Katz motioned to approve the future land use change in accordance with the staff recommendation, and including all seven (7) parcels.

A motion was made by Mr. Katz and seconded by Mr. Lau to recommend approval of the request by SHAH Development for a comprehensive plan amendment to change the policy map designation of eight (8) acres identified as Tax Parcel No. 060-1-A (Parcel ID 070690) from Planned Light Industrial/Commercial to Medium Density Residential, and to include the following adjacent six (6) parcels indicated in the staff analysis: Parcel ID Nos. 020467, 020585, 003238, 029253, 015704, and 013183.

Ayes: Allen, Disney, Donahue, Katz, Kroll, Lau, Rice

Nays: None

Abstain: None

Mr. Sandy reminded those in attendance that this application, along with the others presented tonight, will go before the Board of Supervisors on September 23<sup>rd</sup>.

3. Request by the Montgomery County Planning Commission for an amendment to the 2025 Montgomery County Comprehensive Plan to change the policy map designation of approximately 8.33 acres of the former Prices Fork Elementary School property located at 4237 Prices Fork Road and identified as Tax Map No. 052-A 50 (Parcel ID 070688) from Civic to Mixed Use.

Mr. Sandy explained that this was a former school site, of about eight (8) acres. The County owns the property and is requesting the Comprehensive Plan change as development proposals are currently being reviewed. Mr. Sandy further stated that a change from a future land use designation of Civic to Mixed Use would allow flexibility in development of that property, and may also allow the building itself to be repurposed, although it could also be removed and something built in its place. Currently the zoning designation is A1. The properties on either side already have a future land use designation of Mixed Use, however, at the time that the Prices Fork Village Plan was completed (2005) the school was still active so the site remained designated as Civic.

Mr. Sandy reminded the Commission and attendees that this proposed future land use change would still require any rezoning in the future to come before the Planning Commission and Board of Supervisors, and would require a site plan, appropriate entrances, water and sewer infrastructure, etc. Mr. Sandy further noted that this request complies with the policy for Comprehensive Plan amendments set by the Board, and he suggests that the Commission recommend approval.

Mr. Rice opened the floor up for public comment but there being no comments, the public hearing was closed.

A motion was made by Mr. Donahue and seconded by Mr. Allen to recommend approval of the request by Montgomery County for a comprehensive plan amendment to change the policy map designation of approximately 8.33 acres, identified as Tax Parcel No. 052-A-20 (Parcel ID 070688) from Civic to Mixed Use.

Ayes: Allen, Disney, Donahue, Katz, Kroll, Lau, Rice

Nayes: None

Abstain: None

4. An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery Virginia by amending Sections 10-21 through 10-36, Section 10-41 and Section 10-61 by creating a new amateur radio tower use defined as a structure on which antenna is installed for the purpose of transmitting and receiving amateur radio signals allowable by right under certain use limitations in A-1 Agricultural, C-1 Conservation, R-R Rural Residential, R-1, R-2, R-3 Residential, GB General Business, CB Community Business, M-1 Manufacturing, M-L Manufacturing Light, PIN Planned Industrial, PUD-COM and PUD-RES Planned Unit Development districts and allowable by special use permit under certain use limitations in A-1 Agricultural, C-1 Conservation, R-R Rural Residential, R-1, R-2, R-3 Residential, GB General Business, CB Community Business, M-1 Manufacturing, M-L Manufacturing Light, PIN Planned Industrial, PUD-COM and PUD-RES Planned Unit Development, RM-1 Multiple Family Residential, PUD-TND Planned Unit Development-Traditional Neighborhood Development, Traditional Neighborhood Development Infill and PMR Planned Mobile Home Residential Park districts

Ms. Jenkins reminded the Commission that this topic came up during attempts to revise the definition of telecommunications tower earlier this year. Currently, the ordinance has no definition or regulations for amateur radio towers. Members of ARRL have endorsed the proposed ordinance amendments.

Ms. Jenkins explained that the ordinance amendments would provide a definition for amateur radio tower, along with supplemental district regulations, and a designation of which zoning districts would allow these towers by right or by special use permit (SUP). All districts would require a SUP for towers above 75 feet.

Ms. Jenkins read the proposed definition and recommended adding a category to the supplemental district regulations specifically for these towers. They would be allowed in most districts by right, and in RM-1, PUD-TND, TND infill and PMR by SUP. Ms. Jenkins described four (4) requirements to regulate these towers: a maximum height of 75 feet (or possibly higher by SUP only), a required setback equal to tower height and a requirement that guys and/or accessory structures meet the minimum setback requirement of a district, a requirement that towers be located in side and rear yards only, and a required finish of a natural metal color or non-reflective, dark finish.

Ms. Jenkins asked if the Commission had any questions.

Mr. Donahue asked Mrs. Craigie to come up to clarify a point. He pointed out a typo in the letter from Mr. Imlay at ARRL, in which he recommended a "reflective" finish rather than "non-reflective".

Mr. Rice opened the floor for public comment and asked Mrs. Craigie, President of ARRL, to speak.

Mrs. Craigie confirmed that the wording was just incorrect, and that the new wording proposed by Ms. Jenkins for the ordinance is perfect. Mrs. Craigie said that this ordinance amendment is a positive step towards

ensuring that regulations of commercial towers are not detrimental to amateur radio. She further stated that she addressed the Board of Supervisors on Monday and supported the amendment, and now urges the Planning Commission to recommend approval of the proposed amendment.

Mr. Rice thanked Mrs. Craigie, and there being no further comments, closed the public hearing. Mr. Rice then opened the item for discussion among commissioners.

Mr. Kroll suggested possibly considering some alternative language to address the dark finish wording. Many other ordinances that address this issue simply refer to a "neutral" color and/or say that it should blend in with the surroundings.

Mr. Rice asked if shortening the regulation to just "non-reflective" would solve this.

Mr. Kroll said that since the "natural metal color" was recommended by ARRL, it should be left in.

Ms. Jenkins explained that most of the towers are of a natural metal color so it would be more of a hardship to have to paint them a neutral color.

Mr. Rice asked if it could be modified to include "non-reflective finish", and remove "dark".

Mr. Katz suggested that this may allow unwanted colors.

Mr. Donahue agreed that "dark" prevents bright colors.

Mr. Lau suggested that the reflectivity may be more crucial than the color, as these towers tend to be unnoticeable regardless of color, so long as they are not reflective.

Ms. Jenkins added that these towers are smaller and less obtrusive than commercial towers regardless of finish.

Mr. Kroll made a suggestion to change the wording to "neutral non-reflective finish" as this would not be as restrictive as dark.

Mr. Katz asked how "neutral" would be enforced, and suggested possibly defining it further as a color occurring in nature.

Mr. Kroll said that the intent should be to ensure that the tower blends with surroundings.

Mr. Allen and Mr. Katz both agreed that the existing wordage is good.

Mr. Donahue suggested replacing "dark" with "unobtrusive"; Mr. Katz agreed.

Mr. Sandy expressed a concern that "unobtrusive" may be more vague than "neutral".

Ms. Jenkins said that she also agrees that "neutral" may be a better term; the Commission largely agreed.

A motion was made by Mr. Donahue and seconded by Mr. Katz to recommend approval of the ordinance amendment related to the definition and regulation of amateur radio towers, with the following changes:

Modify the regulation found in Section 10-41 (20) to permit towers to be of a "natural metal color" or a "neutral, non-reflective finish".

Add "amateur radio tower greater than seventy-five (75) feet" to the uses allowed by special use permit in all districts.

Ayes: Allen, Disney, Donahue, Katz, Kroll, Lau, Rice

Nays: None

Abstain: None

5. An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery Virginia by amending Sections 10-21 through 10-36, Section 10-41 and Section 10-61 by amending the definition of park and ride lot to include parking for other short term traveling purposes in addition to work allowable by right under certain use limitations if the lot has fifty or less parking spaces in GB General Business, CB

Community Business, M-1 Manufacturing, M-L Manufacturing Light, PUD-TND Planned Unit Development-Traditional Neighborhood Development, Traditional Neighborhood Development Infill, PIN Planned Industrial, PUD-COM Planned Unit Development-Commercial and PUD-RES Planned Unit Development-Residential districts and park and ride lot allowable by special use permit with more than fifty parking spaces in GB General Business, CB Community Business, M-1 Manufacturing, M-L Manufacturing Light, PUD-TND Planned Unit Development-Traditional Neighborhood Development, Traditional Neighborhood Development Infill, PIN Planned Industrial, PUD-COM Planned Unit Development Commercial and PUD-RES Planned Unit Development-Residential districts and park and ride lot allowable by special use permit in A-1 Agricultural, C-1 Conservation, R-R Rural Residential, R-1, R-2, R-3 Residential, RM-1 Multiple-Family Residential and PMR Planned Mobile Home Residential Park districts.

Ms. Jenkins reminded the Commission that staff had a request from a private bus company whose owner wanted a lot to allow customers to use the buses for short shopping and/or vacation trips, as the current ordinance definition of park and ride lot limits its use to work travel. During the previous meeting the Commission had requested staff to look up the sizes of local VDOT lots. Ms. Jenkins said that the Pedlar Road lot has thirty (30) spaces and the Falling Branch lot is fifty-two (52) spaces, and is paved, striped, lighted, and highly utilized.

Ms. Jenkins explained that the proposed amendment would modify the existing definition, and specify where these lots are allowed. There are three (3) categories based on size, which are allowed by right or by special use in various zoning districts. Ms. Jenkins read the proposed definition of park and ride lot.

Ms. Jenkins further explained that new regulations would exempt these lots from district lot coverage requirements, but they would still have to meet minimum yard requirements and comply with all other off-street parking regulations regarding paving, landscaping, etc.

Mr. Donahue noted that the setbacks would provide a cap on the lot size.

Ms. Jenkins confirmed this. She also indicated that the proposed amendments would allow these lots by right, when fifty (50) parking spaces or fewer, in GB, CB, M-1, M-L, PUD-COM, PUD-RES, PUD-TND, and TND Infill districts, and require a SUP for lots larger than that in those same districts. In A-1, C-1, R-R, R-1, R-2, R-3, RM-1, and PMR districts, these lots would require a SUP at any size.

Mr. Rice opened the floor up for public comment. However, there being no comments, the public hearing was closed.

Mr. Rice asked if someone could put in a park and ride lot and charge people to use it.

Ms. Jenkins said that it would not matter; so long as it is allowed in that district they can manage it in whichever way they choose.

Mr. Kroll asked if that would make it a commercial use, and if so, if that would automatically limit it to certain districts.

Ms. Jenkins said this is not the case because it is a separate use and the ordinance amendment will specify where these lots are allowed.

Mr. Kroll asked for confirmation that these lots are not currently allowed in A-1.

Ms. Jenkins confirmed this, and noted that even with the proposed changes they would only be allowed by SUP in those districts.

Mr. Katz expressed a concern that because the lot may not be located on the same property as the actual business, some kind of placard may be required so that people would know who to contact in the case of theft or towing.

Ms. Jenkins said that she assumed the owner would probably want to put up some kind of sign.

Mr. Donahue added that vehicles could not be towed from the lot anyway unless there is signage indicating this.

Mr. Katz repeated his concern that these lots should provide some kind of posted contact information in case of theft or other issues.

Ms. Jenkins suggested that if a vehicle is stolen or vandalized, the owner would normally call the police, not the property owner.

Mr. Donahue added that if necessary, the County or the police should also be able to look up who owns the property.

Mr. Katz asked if a proposed park and ride lot would require a site plan. A required site plan review would help to address some of these issues anyway.

Ms. Jenkins confirmed this.

A motion was made by Mr. Katz and seconded by Mr. Allen to recommend approval of the ordinance amendment related to the definition and regulation of park and ride lots.

Ayes: Allen, Disney, Donahue, Katz, Kroll, Lau, Rice

Nays: None

Abstain: None

6. Six additional proposed ordinance amendments to include changes made to State Code by the Virginia General Assembly, as follows:

An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-22 to clarify that sawmill, temporary use is a by-right use and sawmill is a use allowable by special use permit in C-1 Conservation District.

An ordinance amending Chapter 10 entitled Zoning of the Code of County of Montgomery, Virginia by amending Section 10-41 (2A) by amending the definition of temporary family health care structure to comply with changes in the state enabling legislation.

An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-43 (5) by adding cemeteries to the list of uses that shall require a minimum ten (10) percent tree canopy plan shown on the final site plan in order to comply with state law change.

An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-51 to clarify the voting requirements for action taken by the Board of Zoning Appeals.

An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-54 (1)(D) by adding military installation to the list of places proposed zoning amendments shall be referred to for comment in order to comply with state law change.

An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-55 by amending certain procedures before the Board of Zoning Appeals to comply with state law change.

Ms. Jenkins explained the six (6) additional ordinance amendments, described above.

Mr. Rice opened the floor up for public comment. However, there being no comments, the public hearing was closed.

A motion was made by Mr. Donahue and seconded by Ms. Disney to recommend approval of the ordinance amendments to address State Code changes and correct a clerical error.

Ayes: Allen, Disney, Donahue, Katz, Kroll, Lau, Rice

Nays: None

Abstain: None

**OLD BUSINESS:**

Liaison Appointments

Mr. Lau agreed to be liaison to the Radford Planning Commission, with the caveat that he may need another member to take his place during months when he cannot make it.

**NEW BUSINESS:**

Mr. Sandy indicated that the Commission has a light schedule for next week's meeting. He explained that it would be possible to cancel the meeting, but the Commission would still need to do site visits.

Mr. Donahue suggested voting on the public hearing portion of next week's consent agenda if there is to be no meeting.

Other commissioners agreed, noting that the minutes could be approved at a later meeting.

On a motion by Mr. Donahue, and seconded by Mr. Lau, and unanimously carried, item B of the consent agenda dated September 18, 2013 was approved.

The Commission further agreed to move the site visit start time an hour later to accommodate more members. Staff were asked to change the time on any related owner-applicant notices.

Mr. Sandy said that this week the Board had selected two new Planning Commission members: Mr. Lau, who was present this evening, and Sonia Hirt. He further reminded Commissioners about the Planning and Zoning Conference to be held in Roanoke in October.

Mr. Tuck reported that the Board had suggested using the old Blacksburg Middle School site for Virginia Tech game day parking and giving the proceeds to the schools. The response from the Town of Blacksburg was a list of seven requirements, including a requirement for a minimum of 200 spaces. The Town is already using two (2) small, paved parcels nearby for this purpose but does not appear to have been held to the same requirements.

**WORK SESSION:**

**MEETING ADJOURNED:**

There being no further business the meeting was adjourned at 9:15 PM.