

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON DECEMBER 10, 2014 IN THE BOARD OF SUPERVISORS ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Lau, Chair, called the meeting to order.

DETERMINATION OF A QUORUM:

Ms. Disney established the presence of a quorum.

Present: Frank Lau, Chair
 Scott Kroll, Vice-Chair
 Cindy W. Disney, Secretary
 Coy Allen, Member
 Steve Howard, Member
 Bryan Katz, Member
 Bob Miller, Member
 Trey Wolz, Member
 Chris Tuck, Board of Supervisors Liaison
 Dari Jenkins, Planning & Zoning Administrator

Absent: Sonia Hirt, Member
 Brea Hopkins, Development Planner
 Candace Ross, Sr. Program Assistant

APPROVAL OF AGENDA:

On a motion by Mr. Howard, and seconded by Mr. Katz and unanimously carried, the agenda was approved.

APPROVAL OF CONSENT AGENDA:

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

PUBLIC ADDRESS:

Mr. Lau opened the public address.

The following individuals spoke about the deferred DCI Shires, Inc. Special Use Permit.

- 1.) Mr. Mike Smith, adjacent property owner at 3521 McCoy Road, opposed the request for a contactors storage yard to be located on the south side of McCoy Road because of the volume of truck traffic. Required to haul fill material for the site.

- 2.) Mr. Arnold Graboyes residing at 3785 Millstone Ridge Road, voiced opposition and submitted letters to the Planning Commission and the Board of Supervisors opposing the Special Use Permit. His concerns include traffic safety, property values, and zoning issues.
- 3.) Ms. Janice Lytton owns property located at 3514 McCoy Road and 3558 McCoy Road. She requested the Commission deny this request. She collected over 140 names on a petition from surrounding area property owners that are against the Special Use Permit and expressed concern over traffic safety and the visibility of the future site from her home.
- 4.) Mr. Mike McGuire residing at 3558 McCoy Road concurred with Ms. Lytton's concerns. Mr. McGuire also stated that he would hate to see wildlife destroyed if this storage yard is approved.
- 5.) Ms. Denise Jones, 3450 McCoy Road, stated the request does not comply with the Prices Fork Village Plan.
- 6.) Mr. Ken Klauer owns property located at 4030 McCoy Road noted opposition due to noise, type of fill, and karst topography.
- 7.) Ms. Jackie Betts resides at 3265 Nikkel Lane. She stated that traffic is already an issue on McCoy Road and requested investigation of current dumping activity before this site is approved.
- 8.) Mr. Clayton Allen, 3431 McCoy Road, opposes the proposed storage yard because filling on the site may divert water onto his property. Mr. Allen also expressed concerns regarding traffic.

The Chairman closed the Public Address portion of the meeting.

PUBLIC HEARING:

A request by **John A. Barr Jr. and Kelly Burdette** for an amendment to a Special Use Permit (SUP) on approximately 57.139 acres in an Agricultural (A1) zoning district approved May 10, 2010 for a kennel and 2 (two) detached accessory structures over 1200 square ft. to revise condition 3(b) allowing an increase in the permitted area and height of one of the accessory structures. The proposed structure will increase in area from 1,680 square ft. to 3,600 square ft. and from 20 ft. to 24 ft. in height. The property is located at **490 Craig Creek Road** and is identified as Tax Parcel No. 015- A 1 (Account No. 002518) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

Mr. Lau introduced the request.

Ms. Jenkins stated the request by John A. Barr, Jr. and Kelly Burdette is to amend the existing Special Use Permit to allow an accessory building approximately 3,600 square feet in area and 24 ft. in height. She presented maps and photos of the property noting the location of the existing accessory structure, and the site for the proposed structure. The property lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan. Ms. Jenkins said the existing SUP was approved in 2010 to allow two (2) accessory structures for kennel operations with Building 1 limited to 3,600 sq. ft. and 27 ft. in height and Building 2 limited to 1,680 sq. ft. and 20 ft. in height. The existing building is 42x70 (2,940 sq. ft.) and is utilized for for kennel operations. Building 2 is now being proposed to be 48x72 (3,456 sq. ft.). Ms. Jenkins presented pictures of the proposed building. She explained the proposed Morton Building will be a barn style three (3) car garage with storage for equipment and materials. Ms. Jenkins confirmed staff has not received any correspondence from adjoining owners.

Mr. Lau opened the public hearing.

Mr. John A. Barr, Jr. commented that the first building constructed is used for the kennel and originally intended to be smaller. Mr. Barr stated that the proposed structure and will only be used for personal storage.

There being no further speakers the public hearing was closed.

A motion was made by Mr. Allen, seconded by Mr. Howard and carried, recommending approval of the request by John Barr and Kelly Burdette to revise a Special Use Permit approved May 10, 2010 to allow an increase in the permitted area and height of one of the accessory structures upon the following conditions:

1. Kennel operations shall be limited to the breeding, raising and selling of dogs and/or puppies owned by the property owner.
2. A yearly kennel license for no more than 50 dogs shall be obtained as required by Montgomery County Code.
3. The proposed accessory structures as shown on ~~"Sketch Showing Proposed House & Kennel" prepared by Berkman Land Surveying, dated February 24, 2010 (Job No. 09093)~~ Plat Showing Existing House & Proposed Kennel & Garage" prepared by Berkman Land Surveying, dated October 10, 2011 (Job No. 09093) shall be limited in size as follows:
 - Building 1 shall not exceed 3,600 square feet in area and 27 ft. in overall height.
 - Building 2 shall not exceed ~~1,680~~ 3,600 square feet in area and ~~20~~ 27 ft. in overall height.
4. Accessory structures shall be used for personal and kennel use only. Retail sales and/or other commercial activities shall not be permitted.
5. The accessory structures shall not be used as a dwelling, accessory or otherwise without obtaining the proper permits and approvals from the Zoning Administrator, Health Department, and Building Official.

Ayes: Miller, Lau, Kroll, Disney, Wolz, Katz
Nays: None
Abstain: None

A request by **NRVP&P LLC Properties** for a Rezoning and Special Use Permit (SUP) on approximately 5.917 acres in a General Business (GB) zoning district to allow a recycling facility. The property is located at **3431 Radford Road** and is identified as Tax Parcel No. 90-4-1A, 2A, 90-5-1,2,3,4,5,6,7, 90-5-40, 40A and 40B. (Account No. 011646, 019273, 019274, 019275, 019276, 019277, 014010, 014148, 015706, 014011 and 014149) in the Riner Magisterial District (District D). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and Mixed Use in the Prices Fork Village Plan.

The Chairman introduced the request.

Due to conflict of interest, Mr. Kroll removed himself from the hearing.

Ms. Jenkins explained the request and reviewed maps showing the location of the property. The request is to rezone 0.473 acres to General Business with a Special Use permit to allow a recycling facility. The property lies within an area designated as Village Expansion in the comprehensive plan and is further designated as Mixed Use in the Plum Creek Village Plan. The property is zoned General Business and Agricultural.

If approved, the recycling facility would relocate from 2700 Radford Road to 3431 Radford Road. Ms. Jenkins stated relocation would allow for safer access and queuing of vehicles on site rather than within VDOT right-of-way. She noted that no processing occurs at this facility. No noise should emit from the site, since recyclables will be delivered and sorted inside the enclosed structure.

Ms. Jenkins stated that site lighting will be downward directed LED lighting and existing display lights will be removed to reduce light and glare. Ms. Jenkins noted that buffer yards, fencing and landscaping will be provided and no impacts are expected on groundwater, soils and environment beyond the previous use. If approved, a boundary line adjustment plat will be submitted to combine Parcels 1 & 2 as shown on the concept plan. Ms. Jenkins stated the staff's preliminary recommendation is for approval of the Special Use Permit to allow a recycling facility, contingent upon conditions she listed in her staff analysis.

The Chairman opened the public hearing.

Kendall Clay, attorney, stated New River Recycling is a very successful business and has grown to the point it needs a larger facility in order to improve service to the community. Mr. Clay stated Mr. Phillips has been making improvements to the proposed site.

Bobby Phillips, property and business owner, stated he would like the Commission to consider his request allowing his company to grow and be safer for the customers.

There were no further public comments; therefore, Chair Lau closed the public hearing.

Mr. Miller commented that he frequently travels Radford Road and agreed that the limited space of the existing facility has created traffic issues. He believes the proposed site would be ideal for relocation of the business.

Mr. Howard also spoke of the dangerous traffic on Radford Road and stated he was in favor of approving the Special Use Permit.

On a motion by Mr. Miller, seconded by Mr. Howard and carried, the Commission recommended approval of the request by NRVP&P LLC to allow a recycling facility with the following conditions:

1. The operation of the Recycling Center shall be in accordance with the provisions of the Zoning Ordinance. This permit shall automatically expire if the business ceases to operate for a period of two years or more per Section 10-54(3)(j)2.
2. The applicant shall obtain the appropriate commercial entrance permits and approvals from the Virginia Department of Transportation (VDOT) and provide a copy to the County staff.
3. Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday.
4. All collection and storage of materials shall be conducted inside the building identified as 3431 Radford Road.
5. At all times, the property shall be kept free of litter and devoid of loose materials from the recycling operation.
6. The applicant shall not accept or process any municipal, commercial, industrial, medical, or hazardous solid waste, as defined by the Department of Environmental Quality (DEQ).

7. The applicant shall not accept or process any material, the disposal of which would violate applicable federal or state laws, rules, regulations, permits or requirements in effect at the time or place of disposal.
8. A site plan shall be developed for approval in accordance with the concept plan entitled "Exhibit 7A – Lot Line Adjustment Map" and "Exhibit 7B – Proposed Improvements Map", dated December 2, 2014 and prepared by Draper Aden Associates. Approval of a site plan is required prior to obtaining a building permit and or issuance of a Certificate of Occupancy for the change in use.
9. No storage containers used for shipping purposes, nor truck compartments or trailers shall be stored or otherwise used on the premises.
10. There shall be no outside storage. Materials received at the site shall be stored within the existing structures until a truckload is available for shipment.
11. Exterior lighting shall comply with Section 10-46(9) of the Montgomery County Code.
12. Signage for the site shall be compliant with Section 10-45 of the Montgomery County Code. Banners and/or other signage shall not be installed or mounted on any fence.
13. Occupancy of the security residence shall be limited to no more than four (4) unrelated and six (6) total occupants within the dwelling.
14. As a condition of receiving approval to allow a recycling center at 3431 Radford Road, the owner agrees to submit a letter withdrawing/vacating the Special Use Permit in effect at 2700 Radford Road.
15. Site shall be substantially in conformance with the concept plan submitted with the application materials dated December 2, 2014.

Ayes: Allen, Lau, Disney, Wolz, Katz

Nays: None

Abstain: Kroll

OLD BUSINESS: None

NEW BUSINESS:

Nominating Committee Report and/or Nominations

Mr. Lau stated he had appointed Mr. Allen, Mr. Kroll and Ms. Disney to the nominating committee. Ms. Disney reported the following nominations for the 2015 year:

Chair: Mr. Miller

Vice Chair: Mr. Kroll

Secretary: Ms. Disney

On a motion by Mr. Katz, seconded by Mr. Howard and unanimously carried, the Planning Commission accepted the nominations of the committee.

LIAISON REPORTS:

Board of Supervisors: Mr. Tuck gave a brief update on the Mountain Valley Pipeline project, indicating there is likelihood it will be approved. The Board of Supervisors is opposed in the

hopes of getting it out of occupied areas. Right now the pipeline would affect 150 or more property owners. Mr. Tuck is unsure if they will be successful, but mentioned that the Board is concerned about the company's lack of experience with this size of project. The company will be having open sessions on December 18th to discuss questions.

Mr. Tuck also said the board is working with VDOT on a revenue sharing project for improvements on Prices Fork Road. The project will benefit the development at the old Prices Fork Elementary School. The existing easements should eliminate the need to acquire additional property.

An update was given regarding the old Blacksburg Middle School site.

Agriculture & Forestal District: No Report.

Blacksburg Planning Commission: Mr. Allen was unable to attend the meeting; however, a public hearing was held for the Kipps Farm Subdivision.

Christiansburg Planning Commission: No report.

Economic Development Committee: Mr. Kroll reported the committee elected new officers.

Public Service Authority: No Report.

Parks & Recreation: No Report.

Radford Planning Commission: Mr. Miller reported the Commission discussed a new residential plan on Radford Road.

School Board: Mr. Katz attended the December 2nd meeting. Various awards were given out and there was a brief update on the construction progress at Auburn Middle School. He said School Board Chair Wendell Jones will be stepping down from the chairmanship and school board due to job relocation. This will be effective as of the first of the year.

Tourism Council: No Report

Planning Director's Report: Mr. Tuck reported interviews had been scheduled for the vacant Planning Director's position.

There being no further business, the meeting was adjourned at 8:37 pm.

Chairman

Secretary