

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON SEPTEMBER 9, 2015 IN BOARD ROOM, COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

I. CALL TO ORDER:

Mr. Kroll, Vice-Chair, called the meeting to order.

II. DETERMINATION OF A QUORUM:

Ms. Disney called the roll and established the presence of a quorum.

Present: Scott Kroll, Vice-Chair
 Cindy W. Disney, Secretary
 Steve Howard, Member
 Bryan Rice, Member
 Sonia Hirt, Member
 Trey Wolz, Member
 Coy Allen, Member
 Chris Tuck, Board of Supervisors Liaison
 Emily Gibson, Planning Director
 Brea Hopkins, Development Planner
 Candace Ross, Sr. Program Assistant

Absent: Dari Jenkins, Planning and Zoning Administrator
 Bob Miller, Chair
 Bryan Katz, Member

III. APPROVAL OF AGENDA:

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

IV. APPROVAL OF CONSENT AGENDA:

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

V. PUBLIC HEARING:

- a.) An Ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia by amending section 10-24, 10-25, 10-26, 10-32.1, 10-35, and 10-41 respectively by allowing residential beekeeping as a permitted use under urban agriculture pursuant to certain restriction in the R-1 Residential, R-2 Residential, R-3 Residential, Traditional Neighborhood Development infill and PUD-Res Planned Unit Development districts and by amending section 10-61 definitions by adding a definition for residential beekeeping and by amending definition of animal unit to include two beehives.

Mrs. Gibson provided background on residential beekeeping and reminded the Commission on the amendment came to them via a referral from the Board. She went over the definition and proposed changes to the supplemental regulations.

Mr. Kroll asked if anyone from the audience would like to speak.

Bill Murphy, resides at 3672 Laurel Drive in Laurel Ridge Subdivision is a beekeeper. He expressed his concerns for setbacks. He also said he would like the commission to consider a waiver form to be signed by the beekeeper's neighbors to eliminate the setback.

Jerry Borger, past president of the NRV Beekeeper Association, would like the commission to consider not requiring a zoning permit to be obtained by the beekeeper. He said because a zoning permit is issued doesn't mean the hives will be placed in the proper place.

Lauren McCauley lives at 1313 Giles Road stated she was in favor for the approval of the ordinance.

James Hill lives at 3665 Old Sourwood Drive, stated the proposal from the beekeeper's association was more permissive for the beekeeper. He said the changes that are being presented to the Commission tonight are not everything the association wanted, but represented a compromise. Mr. Hill stated he was most concern about the setbacks. He felt they were too restrictive.

Mr. Rice asked if the waiver is legal.

Mrs. Gibson said she had heard of it used in more urban areas, but doesn't think staff or the county attorney would be comfortable with a waiver form from a policy tracking stand point.

Mr. Wolz asked what the fee is for a zoning permit.

Mrs. Gibson answered it is a one-time fee of \$10.

Mr. Rice expressed his concerns for the impact on A-1 districts.

Mrs. Gibson said A-1 has different classifications that are small scale, basic agriculture and agriculture intensive and the ordinance amendment would only affect small scale agriculture.

Mr. Wolz stated he was comfortable with the changes, and his only concern is with density.

Mrs. Gibson stated the definition was created for C-1 and R-R districts, so that it was permitted, but not as wide permissive as in the A-1 districts.

Mrs. Hopkins clarified small scale versus agriculture intensive, stating it is left up to the Zoning Administrator's determination. Once you get into larger lots, you are not confined to small scale.

Mr. Rice stated he is in favor of the proposed ordinance and was more concerned with the setback rather than the number of hives allowed on a lot. He also mentioned his concerns for the distance between adjoining neighbors and the potential risk of neighbors being stung after a hive has been disturbed. Mr. Rice is also concerned with effects it may potentially have on A-1 districts.

A motion was made by Mr. Rice, seconded by Mr. Wolz and unanimously carried, to recommend approval of the request amending Chapter 10, entitled Zoning of the Code of the County of

Montgomery, Virginia by amending section 10-24, 10-25, 10-26, 10-32.1, 10-35, and 10-41 respectively by allowing residential beekeeping as a permitted use under urban agriculture pursuant to certain restriction in the R-1 Residential, R-2 Residential, R-3 Residential, Traditional Neighborhood Development infill and PUD-Res Planned Unit Development districts and by amending section 10-61 definitions by adding a definition for residential beekeeping and by amending definition of animal unit to include two beehives.

Ayes: Howard, Rice, Disney, Hirt, Kroll, Allen, Wolz

Nayes:

Abstain:

Absent: Miller, Katz

- b.) Request by **Shah Development, LLC (Agent: Gay and Neel, Inc.)** to rezone approximately 8.01 acres from Residential Multi-Family (RM-1) to Residential (R3) compact development, with possible proffered conditions, to allow a single family dwelling subdivision. The property is located at **5201 Tango Lane**; identified as Tax Parcel Nos. 060-1 A, (Parcel No. 070690) in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Mixed Use within the Elliston/Lafayette Village Plan.

Mrs. Hopkins reviewed the location of the proposed rezoning and reminded the commission that this property was previously the Elliston-Lafayette Elementary School site which was rezoned in October 2013 to Multi-Family Residential (RM-1) to allow up to 64 townhomes. Due to market conditions, the owner is requesting to rezone to Residential (R3) Compact to allow up to 38 single family dwellings served by public water and sewer. Mrs. Hopkins discussed the proposed concept plan depicting internal sidewalks, private streets, playground area, and trail connectors. She noted the location of the VDOT right of way shown on the property which is currently in the process of being acquired by the property owner. In addition, VDOT is in the process of vacating Tango Lane, the old school route. Mrs. Hopkins stated the property lies within the Elliston Lafayette Village Plan and is described as Mixed Use; she also described the impacts the rezoning request would have on transportation, emergency services and schools.

Mrs. Hopkins concluded that staff preliminary recommends approval of the proposed rezoning based on the proffers submitted, reduced density, and conformity with the Elliston Lafayette Village Plan. She did state that many of the proffered conditions were carried over from the previous rezoning. She noted that the proffers reference an eight (8) foot wide asphalt walking trail that is not in the concept plan; the five (5) foot wide sidewalks have taken the place of the walking trail, since it is not required in the R-3 zone.

Mr. Kroll noted the proffered statement that was included in the staff report and in the application refers to a date of April 30th, but the concept plan that was in the packet was dated August 7.

Mrs. Hopkins said the statement dated August 7 is the one the commission is taking action on tonight and that it will be corrected before taken to the board.

Mr. Kroll asked for clarification on acquiring an easement from VDOT on old route 603 and what the applicant is looking to do to extend the trail to the bridge.

Mrs. Hopkins explained the applicant would like to abandon the section of the Old Route 460 right of way. When a state road is abandoned, half goes to the property owner on each side. She said it

is noted in the proffers once they obtain their portion of the abandoned right of way, they will give an easement across the property so it will not interfere with the development of the VITL trail network.

Mr. Kroll opened the public hearing.

John Neel, with Gay and Neel stated that due to the change in the market, the property owner, decided a single family development would be a better use for the area. Since the previous rezoning, they have been working with VDOT to acquire a portion of the right of way along the new route 460 and abandon Tango Lane. Mr. Neel compared the original plan and the revised plan. He noted that the previously required buffers were proposed to be installed due to the density of the subdivision. VDOT and the schools will assist in providing details regarding the location of a bus shelter. He continued reviewing the proffers and noted the proffer regarding the internal trail and sidewalk would be revised. The path to the recreational area will be constructed prior to the issuance of the 8th Certificate of Occupancy.

Mr. Kroll discussed sidewalk locations and future connectivity of trails. He also encouraged Mr. Neel to work closely with the school on deciding whether to have a hammer head turn around or a cul-de-sac; and noted he would prefer to have a cul-de-sac so buses would not have to back up.

Thom Rutledge, Shah Development, briefed the commission on the communication between the applicant and VDOT regarding the right of way abandonment and acquiring the portion of property along Route 11/460. He also stated there has been more interest in the single family units compared to the multi-family units that were originally proposed.

There being no additional speakers, the public hearing was closed.

Commission members discussed parking requirements for the dwelling units and the size of the proposed lots.

Mr. Rutledge stated their intent is to have parking on the side or rear to create more of a walking community.

Mrs. Gibson clarified revisions proposed by the owner to the following proffers:

- Date change in proffer #1
- Proffer #8 approved VDOT turn around with preference to a cul-de-sac
- Proffer #10 will be modified to reflect the connection of the asphalt and the sidewalk as it exists on the concept plan.

A motion was made by Mr. Rice, seconded by Mr. Howard and unanimously carried, to recommend approval of the request to rezone approximately 8.01 acres from Residential Multi-Family (RM-1) to Residential (R3) compact development, with the following proffered conditions:

1. Conceptual Layout

The Property shall be developed in substantial conformance with the conceptual plan prepared by Gay & Neel, dated September 10, 2015 (the "Concept Development Plan").

2. Density

A maximum density of no more than 5.0 units per acre will be permitted.

3. Utilities

Site shall be served by Montgomery County Public Service Authority public water and sanitary sewer.

4. Site Plan

A detailed site plan subdivision plan in conformance with zoning ordinance requirements shall be submitted and approved by the zoning administrator and all other necessary local and state agencies prior to issuance of building permits for this development.

5. Trash Receptacles

No individual trash receptacles shall be stored where visible from public Rights-of-Way. Community dumpsters will be provided and screened on all four sides.

6. Property Management

A property management company and/or homeowner's association shall maintain all grounds, including but not limited to grass areas, recreational areas, parking and paved areas, walking trails and storm water management area.

7. Screening

A single row of screening trees shall be installed along the two adjacent residential property lines. Trees shall be staggered and no more than 25% of the trees on site will be one species.

8. Road Improvements

Road improvements and turn lanes will be designed per VDOT requirements. Additionally, a VDOT approved turnaround will be provided at the proposed entrance connection to Old Route 460 (present Route 603) until such time as turnaround improvements to Route 603 may be negotiated with Montgomery County and the Virginia Department of Transportation. A cul-de-sac is the preferred geometry for the turnaround, if practical. Note that curb and gutter shall be installed to allow for reduction in lot width. All roads shall be private per Montgomery County standards.

9. Landscaping

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. Buffer shall not impede sight distance at the proposed or existing entrances. Landscaping along the Route 11/460 right-of-way frontage shall be in- keeping with the Route 11/460 Corridor plan and include hardy ornamental tree species, such as Crepe Myrtles, arranged in irregular groupings and supplemented by groupings of low evergreen shrubs. No more than 25% of the trees on site will be one species.

10. Trail Connectivity

Prior to the completion of the first eight units, a minimum 8' wide asphalt walking trail will be constructed internal to the road network providing connectivity to the recreation area and will ultimately connect to a 5' wide concrete sidewalk on the road network as shown on the concept plan. At such time as the proposed trail network outlined in the VITL plan is constructed and reaches the site, the project will provide an easement across the site to allow the VITL trail network to traverse the site generally parallel with old route 460 and connect to the site's sidewalk.

11. Recreational Areas

Prior to the completion of the first eight units, a minimum 2,500 square foot tot lot will be constructed with a minimum of a swing-set, slide, and jungle-gym type playground equipment as well as two park benches for recreation use.

12. Construction Phasing

Mass grading of the site will be completed prior to any construction of proposed units. Sanitary sewer, waterlines, and storm drain system infrastructure will be constructed and installed as necessary for each building.

13. Architectural Design

A mixture of brick, stone and vinyl siding materials shall be utilized in the construction of the homes to provide a diverse look between the units.

14. Fire Hydrants

A minimum of four fire hydrants will be installed on the site for fire suppression. Hydrants will be installed prior to the completion and sale of homes to ensure compliance with state and local fire code requirements.

15. Bus Shelter

A minimum 5' x 10' bus shelter constructed of durable, architecturally sound materials that will withstand continual exposure to the elements shall be provided at one of the proposed site entrances with the specific location to be determined at a later date.

Ayes: Howard, Rice, Disney, Hirt, Kroll, Allen, Wolz

Nayes:

Abstain:

Absent: Miller, Katz

VI. PUBLIC ADDRESS:

Mr. Kroll opened the public address.

There being no comments the public address was closed.

VII. OLD BUSINESS:

There was no old business for discussion.

VIII. NEW BUSINESS:

There was no new business for discussion.

IX. LIAISON REPORTS:

Board of Supervisors: Mr. Tuck stated the board approved the public use ordinance and the RFP's are out and due no later than October 1. The Town of Blacksburg will not be putting anything forward for the old BMS site, but they are going to put out a bid for the old BHS site. He said there was a joint meeting with the school board, where several of the Blacksburg Town Council members asked to use the old BMS site as an economic development tool. Mr. Tuck stated his concerns for making sure the money generated would still go to the schools. In the meeting with the school board, they did not see utilizing the old CMS building site as an elementary school, where they felt it would only be a temporary fix. Mr. Tuck said what the school board is considering is creating elementary schools, potentially three of them in Christiansburg. He stated they are also considering expanding Falling Branch Elementary. The

school board also came back with figures on the price to remodel the current Christiansburg High School, highest price being one hundred million dollars. Mr. Tuck said the County Administrator commented that the county cannot borrow money until 2024. Lastly, he stated that during the PSA meeting he suggested not only providing water and sewer, but to also consider providing internet service to rural areas of the county.

Blacksburg Planning Commission: Mr. Allen attended the August meeting where they were considering multiple CEP's, but nothing related to the county.

Christiansburg Planning Commission: No Report

Economic Development Committee: No Report

Public Service Authority: No Report

Parks & Recreation: No Report

Radford Planning Commission: No Report

School Board: No Report

Tourism Council: No Report

Planning Director's Report: Mrs. Gibson reported that Lisa Bleakley with Tourism will have a presentation about their new branding. She also said that the county has entered into a contract with the safe route to schools projects; the work plan is underway with some surveying that will be done along route 114 and a speed study for the work at Belview. Mrs. Gibson mentioned that the cell towers will possibly go to public hearing in October and the next scheduled meeting will be held on the 14th of October.

X. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:41 pm.

Chairman

Secretary