

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON APRIL 20, 2022 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

**CALL TO ORDER**

Chair Workman called the meeting to order at 7:00.

**DETERMINATION OF A QUORUM**

Dr. Allen called the roll to determine a quorum.

Present: Adam Workman, Chair  
Bryan Rice, Vice-Chair  
Coy Allen, Secretary  
Bill Foster  
Dale Hackney  
Lonnie Linkous  
Robert Miller  
Andrea Sharpe-Robinson  
Trey Wolz  
Todd King, Alternate Board of Supervisors Liaison

Staff: Angie Hill, Deputy County Administrator/CFO  
Brea Hopkins, Interim Planning Director  
Justin D. Sanders, Development Planner  
Kimberley Wright, Planning Coordinator

**APPROVAL OF AGENDA**

On a motion by Mr. Miller, and seconded by Mr. Foster, the Planning Commission unanimously approved (Sharpe-Robinson absent) the agenda as presented.

**APPROVAL OF CONSENT AGENDA**

On a motion by Mr. Foster, and seconded by Mr. Rice, the Planning Commission approved (6-0, Allen and Wolz abstained; Sharpe-Robinson joined the meeting prior to consent agenda item) the consent agenda as presented.

**PUBLIC HEARING**

ZA-2022-01 - An ordinance amending Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia relating to **short term rentals and lodging uses** by adding Bed and Breakfast Inn, Camp Day and Short Term Tourist Rental as a use

permissible by right in Section 10-21(3) A-1 Agricultural District; by adding Camp Overnight as a use permissible by special use permit in Section 10-21(4) A-1 Agricultural District; by adding Bed and Breakfast Inn and Camp Day as a use permissible by right in Section 10-22(3) C-1 Conservation District; by adding Camp Overnight as a use permissible by special use permit in Section 10-22(4) C-1 Conservation District; by adding Bed and Breakfast Inn as a use permissible by right in Section 10-23(3) RR Rural Residential District; by adding Country Inn and Short Term Tourist Rental as a use permissible by special use permit in Section 10-23 (4) RR Rural Residential District; by adding Short Term Tourist Rental as a use permissible by special use permit in Section 10-24(4) R-1 Residential District; by adding Short Term Tourist Rental as a use permissible by special use permit in Section 10-25(4) R-2 Residential District; by adding Short Term Tourist Rental as a use permissible by special use permit in Section 10-26(4) R-3 Residential District; by adding Short Term Tourist Rental as a use permissible by special use permit in Section 10-27(4) RM-1 Multiple Family Residential District; by adding Bed and Breakfast Inn as a use permissible by right in 10-29(3) CB Community Business; by adding permissible by right in 10-29(3) CB Community Business; by adding Campground and Country Inn as uses permissible by special use permit in Section 10-29(4) CB Community Business; by adding Bed and Breakfast Inn as a use permissible by right in Section 10-35(3) PUD-RES Planned Unit Development Residential District; by amending the supplemental regulations for bed and breakfast establishments and rural lodging establishments by deleting Bed and Breakfast Homestay as a defined use; by adding Department of Health and Fire Code requirements to Bed and Breakfast Inn, Country Inn and Rural Resort; and by creating Short Term Tourist Rental supplemental regulations in Sections 10-41(5) (a)(b)(c) and 10-41(6) Supplemental District Regulations; by amending Section 10-61 Definitions by adding new use definitions for Camp Day, Camp Overnight, and Short Term Tourist Rental; by amending existing use definitions for Bed and Breakfast Inn, Campground, Country Inn, Hotel/Motel and Rural Resort; and by deleting Bed and Breakfast Homestay, Camp Boarding, Motel and Recreational Vehicle Park as defined uses

Mr. Sanders explained that staff has seen an increase in the number of requests for short-term rentals and that current Zoning Ordinance definitions do not address modern uses seen in the lodging industry. He also noted that the General Assembly is currently considering changes in Virginia Code in reference to short-term rentals, which means if the County does not have ordinance language in place, short-term rentals could be allowed without any requirements.

Mr. Sanders reviewed the requested amendments to short-term rentals and bed and breakfast inns, including the changes made based on feedback from the Planning Commission at the March work session.

Mr. Foster inquired about the supplemental regulations for Short Term Tourist Rentals, specifically #3 and 4 and how staff would propose applicants to have clearly marked boundaries. Mr. Sanders explained that boundaries could be marked by stakes at the corners, fencing, or perhaps a map provided by the owner.

Mr. Rice asked if transient guests would come under Virginia Department of Health purview, and would owners/applicants have to apply for a short-term rental permit

through the VDH. As part of staff review of each application, we would reach out to VDH for approval based on the number of bedrooms, as well as the Fire Marshall for determination of how many people are allowed per bedroom.

Mr. Miller asked about wedding venues with, for instance, 200 guests for an event. Mr. Sanders responded that events would be considered accessory to the use, which would be determined case by case, and at a minimum an event permit would be required.

Ms. Sharpe-Robinson asked about the possibility of restricting the number of guests staying overnight in a short-term rental. Staff responded that we cannot regulate the number the people who are leasing a short-term rental, but we would state in the initial Zoning Permit how many guests are allowed. If the owners of a short-term rental habitually violate the number of guests allowed, they could be issued a Notice of Violation, and the Zoning Permit could be revoked. Staff further clarified that a minimum nightly stay regulation would not be enforceable. Nuisance regulation violations could also result in revocation of any zoning permit issued for short-term rentals.

Mr. Sanders reviewed the requested amendments to other existing lodging definitions, including the changes made based on feedback from the Planning Commission at the March work session. After further research from an inquiry at the work session, it was determined that shooting ranges should not be included in regulating short-term rentals as they are addressed in another section of the Ordinance.

Mr. Sanders reviewed the supplemental regulations for Country Inn and Rural Resort; as well as outlined how the amendments requested are aligned with the Comprehensive Plan.

Mr. Sanders explained that as the Planning Commission will review each Special Use Permit application, they will have the option of adding conditions to each project. He further explained that the purpose of a Special Use Permit is that it is designed to specifically explore a requested use on a case-by-case basis, since some properties are simply not suitable for every use.

Staff explained that feasibility discussions among reviewers are held with developers/applicants before a Special Use Permit application is accepted by staff.

Chair Workman opened the public hearing.

There being no comments, Chair Workman closed the public hearing.

Mr. Rice noted that uses allowed By Right seem to be primarily residential and farm related uses, but commercial uses seem to require a SUP. He believes that the definition for Camp, Day and Camp, Overnight and Campground are all commercial

enterprises, and would like to see Camp, Day require a SUP since it is not residential or agricultural. He would like to add temporary structures (not permanent) in Camp, Overnight. He is comfortable with the proposed amendments for short-term rentals and bed and breakfast inns, but not the proposed amendments for camps and campgrounds.

Mr. Sanders pointed out that many day camps that would be included in the definition of Camp, Day, are non-profit in nature - such as churches, scouts and civic groups –and that requiring a Special Use Permit would be cost prohibitive.

Mr. Sanders further noted a distinction that a Day Camp would be generally be utilized as a whole facility enterprise, versus a campground which is generally rented out by lot or space.

Mr. Rice is concerned about upholding the standards outlined in the Comprehensive Plan by preserving open space and preserving recreational opportunities.

Dr. Allen expressed his support of a Camp, Day being allowed by right since it is a temporary use; but believes that the definition and use of Camp, Overnight could be clouded and manipulated.

Mr. Foster expressed appreciation to staff for their work on the proposed amendments and stated that if at any time, any aspect of the approved amendment begins to show loopholes, another amendment could be proposed.

Mr. Rice expressed appreciation to staff.

Mr. Rice made a motion to approve the proposed amendments, and changing Camp, Day to a use by Special Use Permit; and to insert "temporary structure" into the Camp, Overnight definitions. The motion was not seconded, thus failed.

Mr. Sanders suggested amending the definition for Camp, Overnight to say "Structures for lodging of overnight guests MAY be permitted on the premises" instead of "SHALL be permitted on the premises"; which would further allow for a case-by-case review.

Several of the Planning Commissioners expressed support of the recommended change.

Mr. Wolz stated that he would support a Camp, Day use by Special Use Permit.

On a motion made by Mr. Foster, seconded by Mr. Miller, and carried (6-1; Mr. Rice voting No), the Planning Commission recommended approval to the Board of Supervisors of the text amendments to the Zoning Ordinance regarding Short-Term Rentals and Lodging, as proposed, except replacing the wording in the definition of Camp, Overnight of "Shall" to "May".

## **PUBLIC ADDRESS**

Chair Workman opened this portion of the meeting at 8:02 pm. Having no speakers, the public address portion of the meeting was closed.

## **OLD BUSINESS**

There were no agenda items for Old Business.

## **NEW BUSINESS**

### Review of County's Proposed 2023-2027 Capital Improvement Plan

Deputy County Administrator and CFO, Angie Hill, explained that for the first time, the Board of Supervisors are requesting that the Planning Commission review the County's proposed Capital Improvement Plan (CIP). The CIP was presented to the Board of Supervisors for review in March, but they have not yet discussed it. Ms. Hill further explained that the CIP is a living document, with a five-year plan, and does change. The purpose of the CIP is to give direction as to where funds are assigned, and is linked to the operating budget.

To develop the CIP, Department Directors are requested to submit funding requests, which are then ranked, reviewed by the County Administrator, and presented to Board of Supervisors.

At next week's Board of Supervisors meeting, they will officially request the Planning Commission to review the requests and to ensure the requests complies with, and is consistent with, the Comprehensive Plan.

Mr. Foster asked Ms. Hill who determines the pool of money from which each expenditure is funded. She explained that the BOS approves the pool of money. County administration submitted funding sources and balanced plan, projects and funding sources, and will wait for their direction as to which projects with which funding. Staff recommendations are based on presenting a balanced budget, however, the Board has final say on how that is approved.

Mr. Foster asked how does the Planning Commission fit in this review process when they receive a list only, with no more information, and what is the value of any recommendation made by the Planning Commission.

Ms. Hill explained that the Planning Commission's role is to ensure that the CIP is in alignment with the Comprehensive Plan.

Ms. Hopkins stated that, for instance, a requested fire truck would be covered in the Comprehensive Plan's design related to public safety, which includes purchase of public safety assets. Another example would be the development of Auburn Park, which is directly in support of parks and recreation in the Village Plan.

Ms. Hill stated that because this is the first year that the Board is using this approach, there will be growing pains and explained that the CIP is for large projects, not necessarily ongoing expenditures, mainly new projects which are funded through the capital budget.

Mr. Foster asked about public safety funding, and how they are funded. Ms. Hill explained that Sheriff Department's vehicles are funded through the operating budget and that larger expenditures, such as technology upgrades or related projects, would be funded through the CIP. Typically, public safety items are funded through the operating budget unless it is a brand new, high dollar expenditure.

The Planning Commission will proceed with a formal review of the CIP at the May 11 meeting.

#### Upcoming Public Hearings

- a. A request by **Carriage Road, LLC** (Agent: Darin Greear) for a Special Use Permit (SUP) to allow a Contractor's Storage Yard within an existing structure on approximately 1.5704 acres. The proposed use is defined as Contractor's Storage Yard under the Zoning Ordinance, which is permitted in the A-1 Agricultural Zoning District only by a Special Use Permit. The property is located at 1708 Carriage Road (Rt. 704), at the intersection of Carriage Road and Five Points Road (Rt. 671), approximately 0.03 miles east of the intersection of Carriage Road and Riner Road (Rt. 8). The property is further identified as Tax Map 119-A A 9 (Parcel ID: 070611), 1.486 acres, and Tax Map 119-A A 8 (Parcel ID: 070635), 0.085 acres, both zoned Agricultural (A-1) in the Riner Magisterial District. The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and is further designated as Mixed Use in the Riner Village Plan.

The Planning Commission visited the site before tonight's meeting. The owner of the property gave an overview of the request and a tour of the property. The vacant church has been for sale for a while with no prospects; a plumbing contractor has asked to use it for indoor storage of equipment and office space. It was noted that landscaping would be required for any outdoor storage. The Planning Commission Public Hearing will be held May 11. The applicant met with the Development Review Team, and there were very few comments as there is adequate parking, VDOT has no concerns, and a stormwater plan is not required.

- b. A request by Ricon Service & Investment Corporation (Agent: Nanci Hardwick) for a Special Use Permit (SUP) to allow assembly of electrical and electronic devices within an existing structure greater than three thousand (3,000) square feet of floor area, on approximately

1.150 acres. The property is located at 415 National Drive, Christiansburg, approximately 0.1 miles south of the intersection of National Drive and Jennelle Road (Rt. 642). The proposed use is defined as "assembly of electrical, electronic devices, greater than three thousand (3,000) square feet floor area" under the Zoning Ordinance, which is permitted in the GB General Business Zoning District only by a Special Use Permit. The property is further identified as Tax Map 067-A 160J (Parcel ID: 030022), 1.150 acres zoned General Business (GB) in the Shawsville Magisterial District. The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan.

The Planning Commission visited this site before tonight's meeting. This Special Use Permit would allow assembly of electrical devices, 3D printers will be on site to be used as printing prototypes for sales purposes. The tenant contacted Montgomery County Economic Development staff for assistance in finding a larger building, which resulted in a Special Use Permit request for this location. The use is consistent with surrounding uses. The business will have approximately 10-15 employees maximum on site, and have standard daytime hours.

## **LIAISON REPORTS**

Board of Supervisors – Mrs. Hopkins informed the Planning Commission that the Special Use Permit request for the NRR Inert Debris Fill Site was denied by a tied vote, 3-3. The applicant cannot re-apply for at least one year, unless the proposal is substantially different. The Board of Supervisors passed the budget on Monday night (available online) which included a 5% raise for county employees.

Public Service Authority – No report.

Blacksburg Planning Commission – No report.

Christiansburg Planning Commission – No report.

Radford Planning Commission – No report.

Tourism Council – No report.

Parks and Recreation – No report.

Interim Planning Director's Report – Mrs. Hopkins reported that Smart Scale pre-applications have been submitted and that Eden Engineering has been hired for application preparation and submittal. Ms. Hopkins has spoken with VDOT about how to improve scores in an effort to secure funding.

The Transportation Survey concluded March 31, and there were over 300 responses; the data is currently being pieced together. The data will be presented mid-summer to the Planning Commission.

The number of zoning complaints have increased, and due to current staffing levels, there is a delay in addressing these complaints; County Administration is aware of the delay.

Mr. Sanders was recently appointed as Region 1 Chair for Virginia Association of Zoning Officials (VAZO). He is currently helping organize the Roanoke Fall Conference. The VAZO Executive Committee is an Executive Board with nominated positions, along with eight appointed chairs, among others. It is entirely made up of volunteers, and staff is very fortunate that Administration fully supports staff being involved in the organization.

The Planning Director job opening has been advertised.

Village Plans have been placed on hold due to not having enough staff, however, staff has worked with the Regional Commission, and some documents are in draft form. Staff is focusing on The Transportation Plan right now, and hopefully once fully staffed, we can resume working on other items.

## **ADJOURNMENT**

With no additional business, Chair Workman adjourned the meeting at 8:30p.m.