

MONTGOMERY COUNTY PLANNING COMMISSION
September 12, 2012

SITE VISIT AGENDA

NO SITE VISITS SCHEDULED; HOWEVER, BE SURE TO ATTEND

A SPECIAL WORKSESSION BEGINNING AT 5:30 PM

5:30 PM Dinner Provided @ Government Center Multi-Purpose Room #2

5:45 PM NRV BUILT Demonstration by NRV Planning District Commission Staff

The NRV Livability Initiative is introducing an interactive game for citizens called 'BUILT NRV' to be played at various venues and with a wide variety of groups. This game enables people to come together and talk about the things that are most important to them when it comes to their neighborhoods and communities. Moving through a series of hands-on, interactive exercises, participants identify their own priorities and preferences, as well as concerns about what they see happening in their communities – and what they'd like to see in the future. They also come to better understand how other folks in their community feel about development patterns, quality of life issues, or housing, jobs, and transportation options. Additionally, this game provides an interactive forum for grappling with resource constraints or fiscal considerations around public infrastructure.

MONTGOMERY COUNTY PLANNING COMMISSION
September 12, 2012 @ 7:00 P.M.
Board Room, Government Center

5:30 pm WorkSession- NRV BUILT Game Demonstration
(Dinner will be provided to Commission Members)

A G E N D A

CALL TO ORDER:

DETERMINATION OF A QUORUM:

APPROVAL OF AGENDA:

APPROVAL OF CONSENT AGENDA:

PUBLIC ADDRESS:

PUBLIC HEARING:

1. 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.
 - a) Staff Presentation (Dari Jenkins)
 - b) Applicant Presentation
 - c) Public Comment
 - d) Discussion/Action
2. 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 1703.76 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 6490.52 acres.

-OVER-

The aforementioned districts are scheduled to expire December 31, 2012.

- a) Staff Presentation (Jamie MacLean)
- b) Applicant Presentation
- c) Public Comment
- d) Discussion/Action

OLD BUSINESS:

NEW BUSINESS:

WORKSESSION:

- Ordinance Amendments:
 - Keeping of chickens in residential zoning districts
 - Possible revisions to zoning regulations related to Lighting & Parking (Section 10-44)

LIAISON REPORTS:

- Board of Supervisors- Chris Tuck
- Agriculture & Forestal District- Bob Miller
- Blacksburg Planning Commission – Frank Lau
- Christiansburg Planning Commission – Bryan Rice
- Economic Development Committee- John Tuttle
- Public Service Authority – Joel Donahue
- Parks & Recreation- Cindy Disney
- Radford Planning Commission- Bob Miller
- School Board- Bill Seitz
- Planning Director's Report- Steven Sandy

MEETING ADJOURNED:

UPCOMING MEETINGS:

- September 19, 2012 Planning Commission Regular Meeting (CANCELLED)
- October 10, 2012 Planning Commission Public Hearing
- October 17, 2012 Planning Commission Site Visits (To be determined)
Planning Commission Regular Meeting (7:00 pm)

**MONTGOMERY COUNTY PLANNING COMMISSION
CONSENT AGENDA
September 12, 2012**

A. APPROVAL OF MINUTES

- August 8, 2012

ISSUE/PURPOSE:

The above listed minutes are before the Planning Commission for approval.

B. SCHEDULE THE FOLLOWING ITEMS FOR PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION ON OCTOBER 10, 2012 AND BOARD OF SUPERVISORS ON OCTOBER 22, 2012

No public hearings to be scheduled

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON AUGUST 8, 2012
IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG,
VIRGINIA:

CALL TO ORDER:

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

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
 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. Tuttle, and unanimously carried the agenda was approved.

APPROVAL OF CONSENT AGENDA:

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

PUBLIC HEARING:

An Ordinance amending Article IV, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia, Section 10-44, by incorporating regulations for the use of alternative paving materials and exempting particular uses from the requirement to provide a paved parking area.

Mr. Lau introduced the request.

Ms. Jenkins stated the proposed ordinance amendment had been discussed in previous meetings. She reviewed the current ordinance requirements regarding surfacing requirements. The proposed amendments provide an option for the use of alternative paving materials, describe the type of

materials allowed and describes where alternative materials can be used. Also included in the amendment are a list of designated uses that are exempt from the paving requirement. There are provisions for the use of gravel, rock, etc. when the adjoining access road is gravel. The proposed amendments were sent to engineers, surveyors, and interested parties for their review and comment. Mr. Lafleur has responded and made a recommendation for specific standards to be adopted for concrete grid paving units. Mr. Bryan Katz recommended that language defining a storage area be included. Mr. Tom Roberts stated he had no comments regarding the proposed amendment; however, offered suggestions for future ordinance amendments related to parking.

Mr. Seitz asked if staff felt there should be additional language to define a storage area.

Ms. Jenkins stated she felt a definition was not necessary and she was comfortable making a determination based on the site plan for each project. If the commission felt a definition was necessary, one could be drafted. It should be noted that the proposed amendment language does not completely relieve Mrs. Tannahill's issues with paving. The access/travel way would still be required to be paved based on the special use permit condition. Staff has suggested an additional entrance be constructed for public use and the heavy equipment could utilize the existing gravel access.

Mr. Lau noted the need to leave the site open for equipment to be able to navigate.

Mr. Lau opened the public hearing.

Ms. Tannahill, 350 Elliott Creek Road, owner of the truck/bus repair off of Tyler Road stated she understood that a blanket ordinance is necessary. The lot in question has been in continuous use since the 1980's. There is no objection to paving the customer parking area; however, the heavy equipment will tear up the travel way asphalt constantly. Whatever surface is installed has to be sustainable. Paving the access will be a constant issue. There is not enough property to install a second access. An exemption needs to be added to the ordinance to exempt this type of business. The only reason the entrance has become an issue is because an addition was constructed. It is not feasible to continuously concrete or pave the access. The business is not along a state maintained road and the property is surrounded by other garages.

Since there were no additional speakers present, Mr. Lau closed the public hearing.

Mr. Rice asked if the item could be tabled to try and resolve some of the other issues facing the Tannahill business. There will most likely be other uses in the county that will face similar problems.

Ms. Jenkins stated the ordinance is structured so that once a grandfathered use is expanded it has to be brought into compliance with existing regulations. The property is within the 177 corridor and has additional restrictions, so it is necessary to be careful what is approved as this area develops.

Mr. Miller stated there were developments/plans already approved in that area and caution needs to be given when allowing broad discretions. Other people may have the same problems but a gravel surface may not be desirable in that area.

Mr. Tuttle noted that future development is going to occur; however, un-necessary burdens should not be placed on small businesses.

Mr. Tuck offered that there could be a gravel access constructed beside the paved access for the heavy equipment.

Mr. Lau stated crippled equipment would not generate a large amount of dust.

Mr. Seitz stated the ordinance amendment was a separate issue from the Tannahill request and the ordinance should be considered as it would apply to the county as a whole, not an individual property.

A motion was made by Mr. Donahue, seconded by Mr. Miller to recommend approval of an Ordinance amending Article IV, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia, Section 10-44, by incorporating regulations for the use of alternative paving materials and exempting particular uses from the requirement to provide a paved parking area.

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

An Ordinance amending Article IV, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia, Section 10-61, by incorporating a definition for "Kennel, private" and by amending the "Kennel, commercial" definition. Amending Section(s) 10-21 and 10-22 to include "Kennel, private" as a by-right use and revising/incorporating the use limitations for kennels. Amending Section(s) 10-23, 10-24, and 10-25 to allow "Kennel, private" by special use permit and incorporate use limitations for kennels. Amending Section(s) 10-28, 10-29, 10-30, 10-31, 10-33, and 10-34 by incorporating use limitations for kennels.

Mr. Lau introduced the proposed ordinance.

Ms. Jenkins stated there had been previous discussions regarding the proposed amendments to address kennels. Definitions were revised to distinguish between commercial and private kennels. She reviewed the zoning districts that allow commercial and private kennels by special use permit or by-right. Standards were developed regarding the type of kennel depending on which district they are in.

Mr. Seitz questioned the reasoning behind the additional setback requirement which would not allow a perimeter fence to be utilized.

Ms. Jenkins stated staff felt neighbors would not want 5 or more dogs penned along the property line.

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

A motion was made by Mr. Donahue, seconded by Mr. Tuttle to recommend approval of an Ordinance amending Article IV, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia, Section 10-61, by incorporating a definition for "Kennel, private" and by amending the "Kennel, commercial" definition. Amending Section(s) 10-21 and 10-22 to include "Kennel, private" as a by-right use and revising/incorporating the use limitations for kennels. Amending Section(s) 10-23, 10-24, and 10-25 to allow "Kennel, private" by special use permit and incorporate use limitations for kennels. Amending Section(s) 10-28, 10-29, 10-30, 10-31, 10-33, and 10-34 by incorporating use limitations for kennels.

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

PUBLIC ADDRESS:

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

NEW BUSINESS:

Ms. Disney stated she was having a conflict with serving as liaison to the park and recreation committee. She noted she would like to switch committee assignment with another commission member.

LIAISON REPORTS:

Board of Supervisors: Mr. Tuck reported that the Board of Supervisors had a retreat to discuss long range goals.

Agriculture & Forestal District: Mr. Miller stated the committee met and toured AFD Districts 3,4, and 5 which are up for renewal. The biggest issue involves properties outside the designated districts. A core of 200 acres is required and currently there are properties that do not meet the requirements of being within 1 mile of the core.

Blacksburg Planning Commission: Mr. Lau stated a petition is coming up regarding a rezoning for Terrace View Apartments which would allow an additional 120 bedrooms and 38 units. Since the property is in close proximity to Montgomery County unincorporated limits, it may be appropriate for a planning commission representative to attend, if interested.

Christiansburg Planning Commission: No report

Economic Development Committee: No report

Public Service Authority: Mr. Donahue stated the PSA discussed the joinder agreement, power outage effects, and the need for an additional hydrant on Firetower Rd. to assist the fire department in their frequent responses to the mulching operations that are taking place.

Parks & Recreation: No report.

Radford Planning Commission: No report.

School Board: Mr. Seitz stated the school construction is on time and within budget.

Planning Director's Report: Mr. Sandy noted if anyone is interested in serving on the BZA as an alternate member, there is an opening.

There being no further business the meeting was adjourned at 7:25 pm.



MONTGOMERY COUNTY DEPARTMENT OF PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Planning Commission

FROM: Planning Staff

DATE: September 5, 2012

RE: **Staff Analysis (SU-2012-10171)**

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.

I. Nature of Request

The applicants, James C. and Lorilee B. Tannahill, are requesting an amendment to an existing Special Use Permit to remove Condition #2 requiring the existing parking area to be surfaced to provide a durable and dustless surface.

The original Special Use Permit was approved on May 23, 2011 to allow the construction of a 40' x 80' addition to an existing garage considered to be an existing, nonconforming use.

II. Analysis

Last year, the applicants desired to construct a 40' x 80' expansion of an existing 40' x 70' truck and heavy equipment repair facility. Because of zoning ordinance amendments approved in 1999, the existing repair facility was considered to be a "nonconforming use"; therefore, the applicants were required to obtain approval of a Special Use Permit (SUP) to bring the existing use into conformity with the requirements of Section 10-28, General Business (GB) and allow the property owners the opportunity for expansion of the building.

On May 23, 2011, the Board of Supervisors approved the SUP request to allow truck, trailer, heavy equipment sales, service, and rental on property located at 2397 Tyler Road. There are

seven (7) conditions attached to the approval as detail in the Special Use Permit *enclosed* for your reference.

On October 24, 2011, a site plan was approved for construction of the addition to the truck and heavy equipment repair facility. The zoning administrator required the inclusion of a 20' x 57' paved driveway shown on Sheet S-2 of the *enclosed* site plan, to connect the existing paved entrance and the existing paved parking area near the original building. This was the minimum amount of paving required by staff in an attempt to meet the requirements specified in Condition #2 of the SUP.

The owners argued that the Planning Commission and Board of Supervisors had knowledge through the SUP application and approval process there was no intention to pave anything more on the parcel due to the damage that would be caused to paved areas as a result of moving heavy trucks and equipment being repaired on this site. Staff also expressed concerns about allowing a gravel driveway surface (because of dust reasons) for this site since it lies within the Route 177 Corridor (Tyler Rd.). The Corridor has a higher level of development standards than other areas of the County.

There were three (3) options available to the owners:

1. Redesign and/or relocate the entrance and/or parking;
2. Seek amendment of the Special Use Permit requesting removal of Condition #2; and/or
3. Appeal the Zoning Administrator's Decision to enforce Condition #2 by requiring the paved driveway connecting the entrance and the paved parking.

On November 14, 2011, the applicants filed an appeal of the zoning administrator's decision to require the 20' x 57' paved driveway connecting the entrance to the parking area. The BZA heard the appeal on December 6, 2011; however, the BZA tabled action "to allow for clarification from the Board of Supervisors as to their intent regarding paving as it relates to Condition #2 of the approved Special Use Permit". To date, the BZA application has not received further attention.

Staff has discussed this matter with the County Attorney and confirmed the only way to require less paving is to remove Condition #2 from the SUP conditions. At that point Section 10-44 (1) of Montgomery County Code would alleviate the requirement to pave the driveway since the "existing use and parking areas shall be deemed to be exempt from said regulations". See the referenced Code section below:

Sec. 10-44. - Off-street parking and loading. 

- (1) *Applicability. There shall be provided at the time of erection of any building or use, or at the time any building or use is enlarged, minimum permanent off-street parking and loading space in the amount specified in the requirements of this section. Such parking and loading requirements shall apply only to new construction or expansion of an existing use. 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.*

Construction of the addition to the repair facility has been completed and requires a Certificate of Occupancy (CO) to be issued for its use. Prior to the issuance of the CO, the owners must either install the paved driveway or gain approval of an amended SUP removing Condition #2 of the current SUP conditions. The owners indicate they prefer not to pave the area in question since they believe it will be damaged by heavy equipment and will frequently need to be repaved.

All adjoining property owners were notified in compliance with the Code of Virginia and Section 10-52(3) of the Montgomery County Code. A copy of this request has also been sent to the City of Radford for review and comment as required by Section 10-39, Route 177 Corridor Overlay District. Adjacent property owners and/or other interested parties may also be present at the public hearing to present their views on this request.

III. Staff Recommendation

Staff preliminarily recommends approval of the request submitted by James and Lori Lee Tannahill to allow an amendment to 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:

1. This Special Use Permit authorizes use of the property for truck trailer, and heavy equipment repair and service on property located 2397 Tyler Road; identified as Tax Parcel No. 104-A-13A, (Account No. 029000) and shall generally conform to the concept plan included within application materials, revised April 13, 2011 along with all other applicable code requirements.
- ~~2. The existing parking lot shall be surfaced to provide a durable and dustless surface, per section 10-44(2)(e) of the Montgomery County Code prior to the issuance of a certificate of occupancy.~~
- ~~3.~~ 2. A detailed site 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. The site plan shall be prepared in conformance with the requirements of Montgomery County Code, Section 10-39, Route 177 Corridor Overlay District.
- ~~4.~~ 3. Any change from the existing use of the property shall require approval and compliance with all applicable VDOT regulations.
- ~~5.~~ 4. Any lighting installed on the property shall be dusk to dawn, "full cut-off" type fixtures to avoid glare onto adjacent properties and shall comply with Montgomery County Zoning Ordinance 10-46(9) Performance Standards.
- ~~6.~~ 5. Disabled trucks, trailers, or heavy equipment shall not be parked or stored on the site longer than 30 days. No more than a total of 15 disabled trucks, trailers, and/or pieces of heavy equipment shall be stored on the site at any given time.

7. 6. Landscaping shall be installed prior to issuance of the certificate of occupancy for the 40' x 80' proposed addition to the existing structure.

Enclosures: Maps
 Application materials
 BZA Application and Minutes (for reference)



James C. Tannahill Request For Special Use Permit

Parcel ID: 029000

Parcel Currently Zoned GB

Legend

- State Roads
- Interstate Highway
- Private Roads (Named)
- Planned Highway
- Railroad
- Hydrology
- Tax Parcels
- Subject Property (Tannahill)



Montgomery County, Virginia
DISCLAIMER

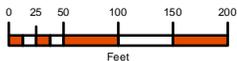
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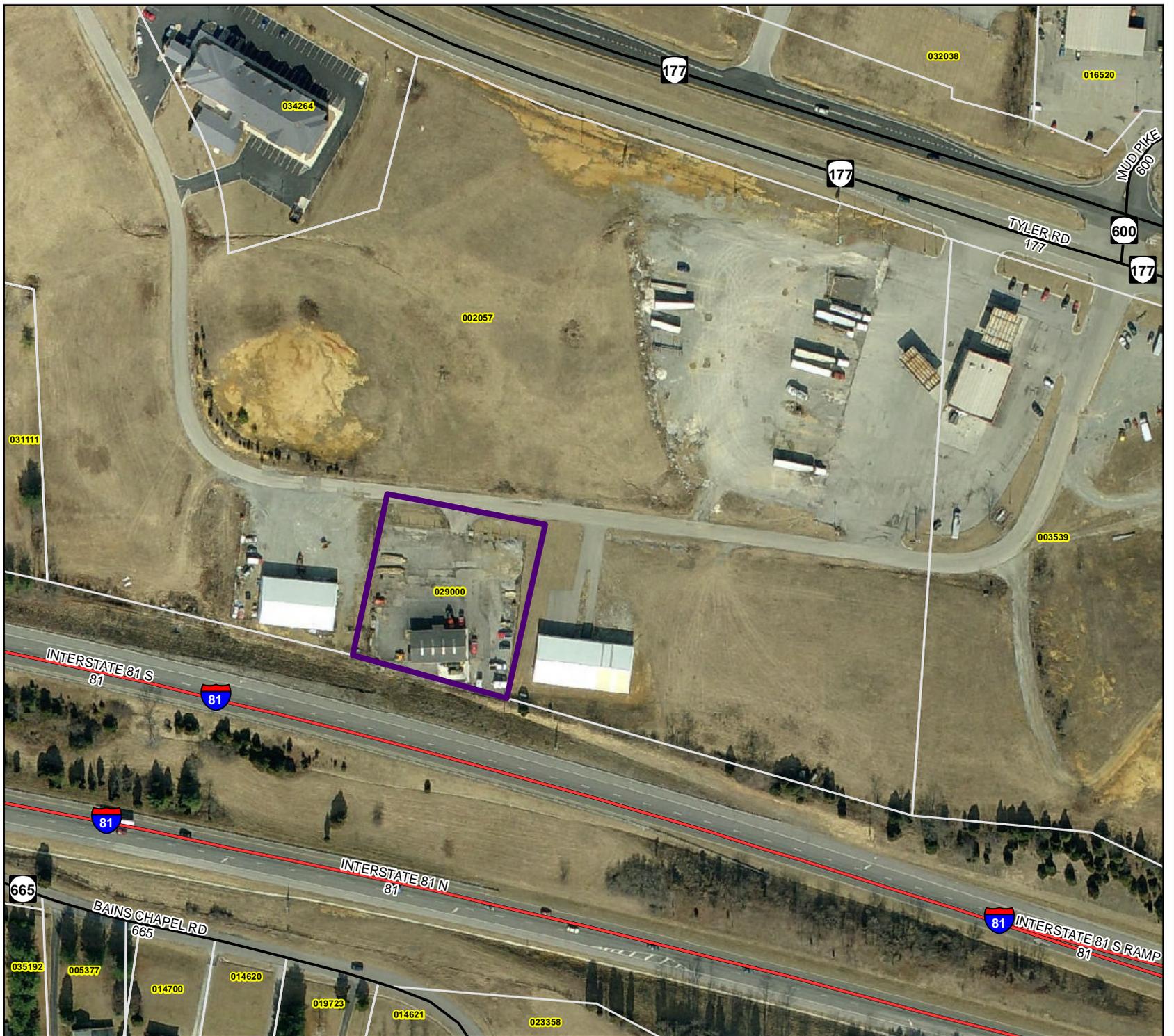
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EXACT LOCATION OF ANY FLOOD ZONE TO BE CERTIFIED BY LICENSED LAND SURVEYOR, ENGINEER, OR ARCHITECT.

CONTOURS SHOWN ARE FOR VISUAL REFERENCE. TO AVOID THE RISK OF MISINTERPRETATION, INVALID RESULTS, AND ERRONEOUS CONCLUSIONS, ORIGINAL LIDAR GENERATED CONTOUR DATA SHOULD BE USED FOR LAND DEVELOPMENT, SURVEY AND ENGINEERING PURPOSES.



Prepared by Montgomery County, Va
Planning & GIS Services, 4/4/2011



2012 Aerial Photo; Tannahill Site; Parcel ID 029000



- Legend**
- Rural Communities
 - State Roads
 - Interstate
 - Planned Highway
 - Private
 - Railroads
 - VT/Montgomery Executive Airport
 - Major Rivers Streams
 - East Tenn Gas Line
 - AEP Preferred Route 1
 - Buffer of AEP Preferred Route 1
 - AEP Preferred Route Property Owners
 - H Hospitals
 - X Variances
 - / Special Use Permit
 - Clayton Lake Inundation

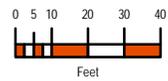


Montgomery County, Virginia
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AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MONTGOMERY, VIRGINIA HELD ON THE 23rd DAY OF MAY, 2011 AT 6:30 P.M.
IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER,
755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

**R-FY-11-122
SPECIAL USE PERMIT
JAMES C. & LORILEE B. TANNAHILL
FOR THE PURPOSE OF ALLOWING
TRUCK, TRAILER, HEAVY EQUIPMENT SALES, SERVICE & RENTAL
IN A GENERAL BUSINESS (GB) ZONING DISTRICT
IN THE RINER MAGISTERIAL DISTRICT (DISTRICT D)
PARCEL ID 029000, TAX MAP NUMBER 104-A-13A**

On a motion by William H. Brown, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by James C. & Lorilee B. Tannahill for a special use permit on approximately one (1) acre parcel in a General Business (GB) zoning district to allow truck, trailer, heavy equipment sales, service, and rental is found to be consistent with the County's Comprehensive Plan and is hereby approved with the following conditions:

1. This Special Use Permit authorizes use of the property for truck trailer, and heavy equipment repair and service on property located 2397 Tyler Road; identified as Tax Parcel No. 104-A-13A, (Account No. 029000) and shall generally conform to the concept plan included within application materials, revised April 13, 2011 along with all other applicable code requirements.
2. The existing parking lot shall be surfaced to provide a durable and dustless surface, per section 10-44(2)(e) of the Montgomery County Code prior to the issuance of a certificate of occupancy.
3. A detailed site 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. The site plan shall be prepared in conformance with the requirements of Montgomery County Code, Section 10-39, Route 177 Corridor Overlay District.
4. Any change from the existing use of the property shall require approval and compliance with all applicable VDOT regulations.

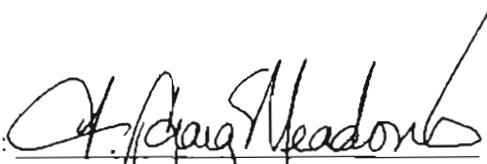
5. Any lighting installed on the property shall be dusk to dawn, "full cut-off" type fixtures to avoid glare onto adjacent properties and shall comply with Montgomery County Zoning Ordinance 10-46(9) Performance Standards.
6. Disabled trucks, trailers, or heavy equipment shall not be parked or stored on the site longer than 30 days. No more than a total of 15 disabled trucks, trailers, and/or pieces of heavy equipment shall be stored on the site at any given time.
7. Landscaping shall be installed prior to issuance of the certificate of occupancy for the 40' x 80' proposed addition to the existing structure.

The property is located at 2397 Tyler Road and is identified as Tax Parcel No. 104-A-13A (Parcel ID: 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 further designated as Business in the Route 177 Corridor Plan.

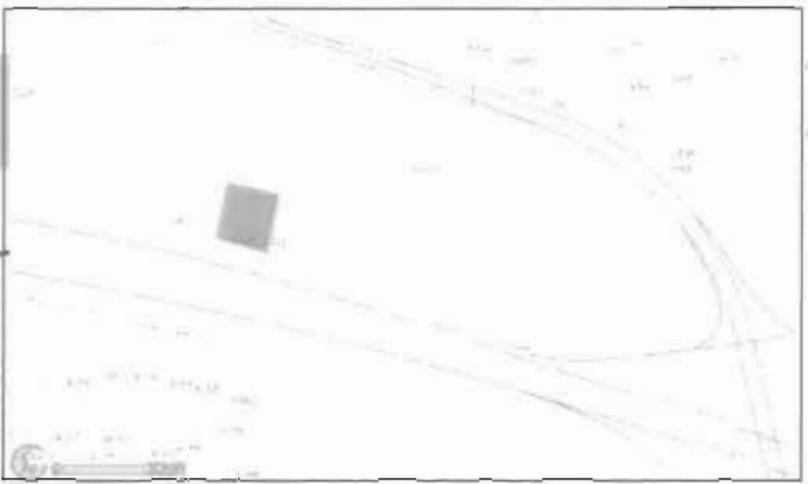
The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Mary W. Biggs		
Annette S. Perkins		
Gary D. Creed		
William H. Brown		
James D. Politis		

ATTEST:



F. Craig Meadows
County Administrator



VICINITY MAP

LEGEND - PLANTING

- FAIRVIEW FLAME MAPLE (4) 
- ACER RUBRUM
- YEW (4) 
- TAXUS MEDIA DENSIFORMIS

SECTION 10-43 TYPE 1 (PER 100):
 2 - CANOPY TREES
 0 - UNDERSTORY TREES
 0 - SHRUBS
 0 - EVERGREEN TREES
 ALL CANOPY TREES SHALL REACH A MATURE HEIGHT OF AT LEAST THIRTY (30) FEET.
 SHRUB HEIGHT OF NO GREATER THAN TEN (10) FEET.

GENERAL NOTES

OWNERS:
 JAMES & LORI TANNAHILL
 350 ELLIOTT CREEK ROAD
 RINER, VA 24149

THIS PROJECT IS NOT LOCATED IN A FLOOD ZONE.

ZONING "GB"

PARCEL ID: 029000

TAX MAP NUMBER: 104-A-13-A

EXISTING USAGE AS A TRUCK/TRAILER HEAVY EQUIPMENT REPAIR FACILITY.

EXISTING FENCE CLOSELY ALIGNS SIDE PROPERTY LINE

SEE PROPOSED BUILDING SITE AS FIELD STAKED BY REGISTERED LAND SURVEYOR ON SHEET A-1

ALL SIGNAGE SHALL BE UNDER SEPARATE REQUEST
 * SEE ZONING APPROVAL ON PG. S-2

AREA	
LOT = 1 ACRE	43,560 SF
EXISTING BLDG.	2,800 SF
PROPOSED BLDG.	3,200 SF
BUILDINGS TOTAL	7,000 SF
EXISTING PARKING	5,604 SF
ENTRANCE PAVING	1,112 SF
(20'-0" WIDE PROPOSED)	
IMPERVIOUS SURFACE TOTAL	13,716 SF
PARKING	
EMPLOYEES	4 SPACES
SERVICE BAYS	3 SPACES
H.C. RESERVED	1 SPACE
TOTAL REQ'D	8 SPACES

CURVE D
 Δ 01° 01' 31"
 R 11,552.15'
 L 206.72'
 C 206.72'
 CH N 72° 03' 49" W



see VDOT LTR DATED 4/22/10 *(signature)*



JAMES & LORI TANNAHILL
 MAGISTERIAL DISTRICT
 MONTGOMERY COUNTY, VIRGINIA

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 23rd DAY OF MAY, 2011 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

R-FY-11-122
SPECIAL USE PERMIT
JAMES C. & LORILEE B. TANNAHILL
FOR THE PURPOSE OF ALLOWING
TRUCK, TRAILER, HEAVY EQUIPMENT SALES, SERVICE & RENTAL
IN A GENERAL BUSINESS (GB) ZONING DISTRICT
in the RINER magisterial district (district D)
PARCEL ID 029000, TAX MAP NUMBER 104-A-13A

On a motion by William H. Brown, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by James C. & Lorilee B. Tannahill for a special use permit on approximately one (1) acre parcel in a General Business (GB) zoning district to allow truck, trailer, heavy equipment sales, service, and rental is found to be consistent with the County's Comprehensive Plan and is hereby approved with the following conditions:

1. This Special Use Permit authorizes use of the property for truck, trailer, and heavy equipment repair and service on property located 2397 Tyler Road, identified as Tax Parcel No. 104-A-13A, (Account No. 029000) and shall generally conform to the concept plan included within application materials, revised April 13, 2011 along with all other applicable code requirements.
2. The existing parking lot shall be surfaced to provide a durable and dustless surface, per section 10-14(2)(c) of the Montgomery County Code prior to the issuance of a certificate of occupancy.
3. A detailed site 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. The site plan shall be prepared in conformance with the requirements of Montgomery County Code, Section 10-39, Route 177 Corridor Overlay District.
4. Any change from the existing use of the property shall require approval and compliance with all applicable VDOT regulations.
5. Any lighting installed on the property shall be dusk to dawn, "full cut-off" type fixtures to avoid glare onto adjacent properties and shall comply with Montgomery County Zoning Ordinance 10-46(9) Performance Standards.
6. Disabled trucks, trailers, or heavy equipment shall not be parked or stored on the site longer than 30 days. No more than a total of 15 disabled trucks, trailers, and/or pieces of heavy equipment shall be stored on the site at any given time.
7. Landscaping shall be installed prior to issuance of the certificate of occupancy for the 40' x 80' proposed addition to the existing structure.

The property is located at 2397 Tyler Road and is identified as Tax Parcel No. 104-A-13A (Parcel ID: 029000) in the Riner Magisterial District (District D1). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan and further designated as Business in the Route 177 Corridor Plan.

The vote on the foregoing resolution was as follows:

AYE	NAY	ABSENT
Doug Marrs	None	John A. Muilo
Mary W. Biggs		
Annette S. Perkins		
William H. Brown		
James D. Politis		

OWNER / DEVELOPER CERTIFICATION

I, James C. & Lorilee B. Tannahill, HEREBY ACKNOWLEDGE THE SITE IMPROVEMENTS IMPOSED BY THIS PLAN AND MONTGOMERY COUNTY. I HEREBY AGREE TO DEVELOP THE SUBJECT PROPERTY IN COMPLIANCE WITH THE PLAN AND WILL SUBMIT ANY PLAN REVISIONS TO MONTGOMERY COUNTY FOR APPROVAL. I AGREE TO POST ALL REQUIRED BONDS WITH MONTGOMERY COUNTY FOR DEVELOPMENT AND ACKNOWLEDGE ALL IMPROVEMENTS MUST BE COMPLETED TO THE COUNTY'S SATISFACTION PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

[Signature] 10-24-11
SIGNATURE DATE

[Signature] 10-24-11
SIGNATURE DATE

LANDSCAPING CERTIFICATION

I, James C. & Lorilee B. Tannahill, AGREE TO MAINTAIN ALL VEGETATION AS SHOWN ON THE LANDSCAPE PLAN IN A VIABLE CONDITION.

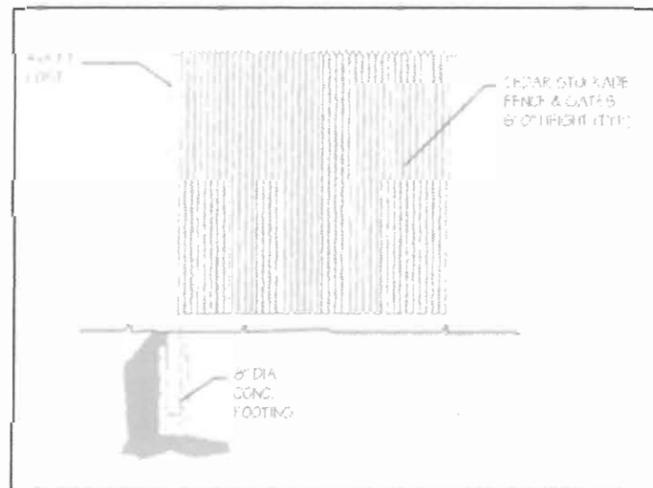
[Signature] 10-24-11
SIGNATURE DATE

[Signature] 10-24-11
SIGNATURE DATE

MONTGOMERY COUNTY APPROVAL

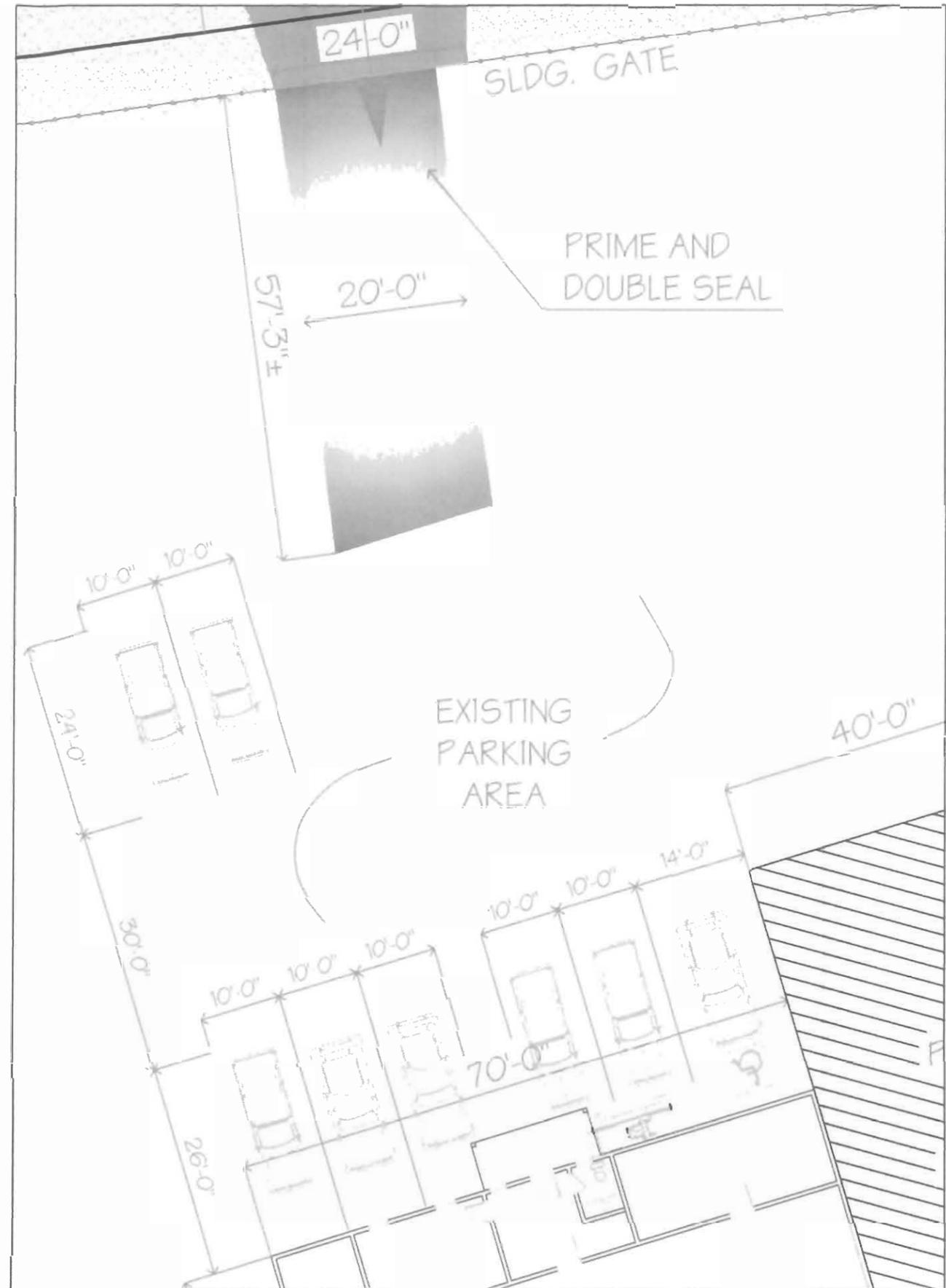
THE HEREON SHOWN SITE DEVELOPMENT PLAN HAS BEEN SUBMITTED TO AND APPROVED FOR ACCEPTANCE BY MONTGOMERY COUNTY.

[Signature] 10-24-2011
SIGNATURE DATE



STOCKADE FENCE

1/4" = 1'-0"



PARKING LAYOUT

1/16" = 1'-0"

JAMES & LORI TANNAHILL
MAGISTERIAL DISTRICT
MONTGOMERY COUNTY, VIRGINIA



BERNARD S. LAFLOR
P.O. BOX 1000
2011

(540) 320-0093

August 31, 2011

PROPOSED
SITE PLAN

S-2

GENERAL INFORMATION

NAME OF PROJECT: TANNAHILL TRUCK REPAIR
 OWNER: JAMES & LORI TANNAHILL
 PROJECT ADDRESS: 2397 TYLER ROAD
 CHRISTIANBURG, VIRGINIA

JURISDICTION: MONTGOMERY COUNTY, VA
 BUILDING CODE ED: 2009 (BC) VIRGINIA STATE BUILDING CODE
 PRIMARY OCCUPANCY: S-1

DESIGNERS OF RECORD

ARCHITECTURAL: BERNARD B. LAFLEUR, AIA
 539 RANDOLPH AVENUE
 PULASKI, VA 24301

STRUCTURAL FOUNDATION: E. M. BENNETT, PE
 PREMIER BUILDINGS
 134 HURRICANE SHOALS RD.
 LAWRENCEVILLE, GA 30046

STRUCTURAL SUPERSTRUCTURE: BRUCE MASTERSON, PE
 PREMIER BUILDINGS
 134 HURRICANE SHOALS RD.
 LAWRENCEVILLE, GA 30046

PLUMBING: N/A
 MECHANICAL: N/A
 ELECTRICAL: N/A
 CIVIL: RALPH Q. CLEMENTS
 LAND SURVEYOR
 GAY AND NEEL, INC.
 1260 RADFORD STREET
 CHRISTIANBURG, VA 24073

SCOPE OF WORK

CONSTRUCTION OF A NEW PRE-ENGINEERED STEEL BUILDING BUILT ATOP A POURED CONCRETE FOUNDATION AND SLAB FLOOR. NEW CONSTRUCTION ADJACENT TO AN EXISTING WOOD FRAME BUILDING WITH NO STRUCTURAL BEARING OR ALTERATIONS TO THE EXISTING WOOD FRAME STRUCTURE.

EXISTING WOOD FRAME STRUCTURE BUILT IN 1968. ADD EXTERIOR ADA ACCESSIBLE RAMP AT FRONT OF BUILDING AND REMODEL EXISTING UNISEX BATHROOM INTO UNISEX ADA ACCESSIBLE BATHROOM.

GENERAL BUILDING DATA

CONSTRUCTION TYPE: TYPE I-A TYPE I-B TYPE III-A
 TYPE II-B TYPE III-B TYPE V-B
 TYPE IV TYPE V-A

SPRINKLERS: NO YES NFPA 13 NFPA 13R NFPA 13D

STANDPIPES: NO YES CLASS I WET CLASS II DRY CLASS III

BUILDING HEIGHT: 20'-8 1/2" NO. OF STORIES ONE (1)

MEZZANINE: NO YES

HIGH RISE: NO YES

GROSS BUILDING AREA:

FLOOR	EXISTING (SQ. FT.)	NEW (SQ. FT.)	SUBTOTAL
FIRST LEVEL	2,800 SQ. FT.	3,200 SQ. FT.	6,000 SQ. FT.
TOTAL	2,800 SQ. FT.	3,200 SQ. FT.	6,000 SQ. FT.

THERMAL ENVELOPE

NOT APPLICABLE - NEW STEEL BUILDING IS UNCONDITIONED SPACE

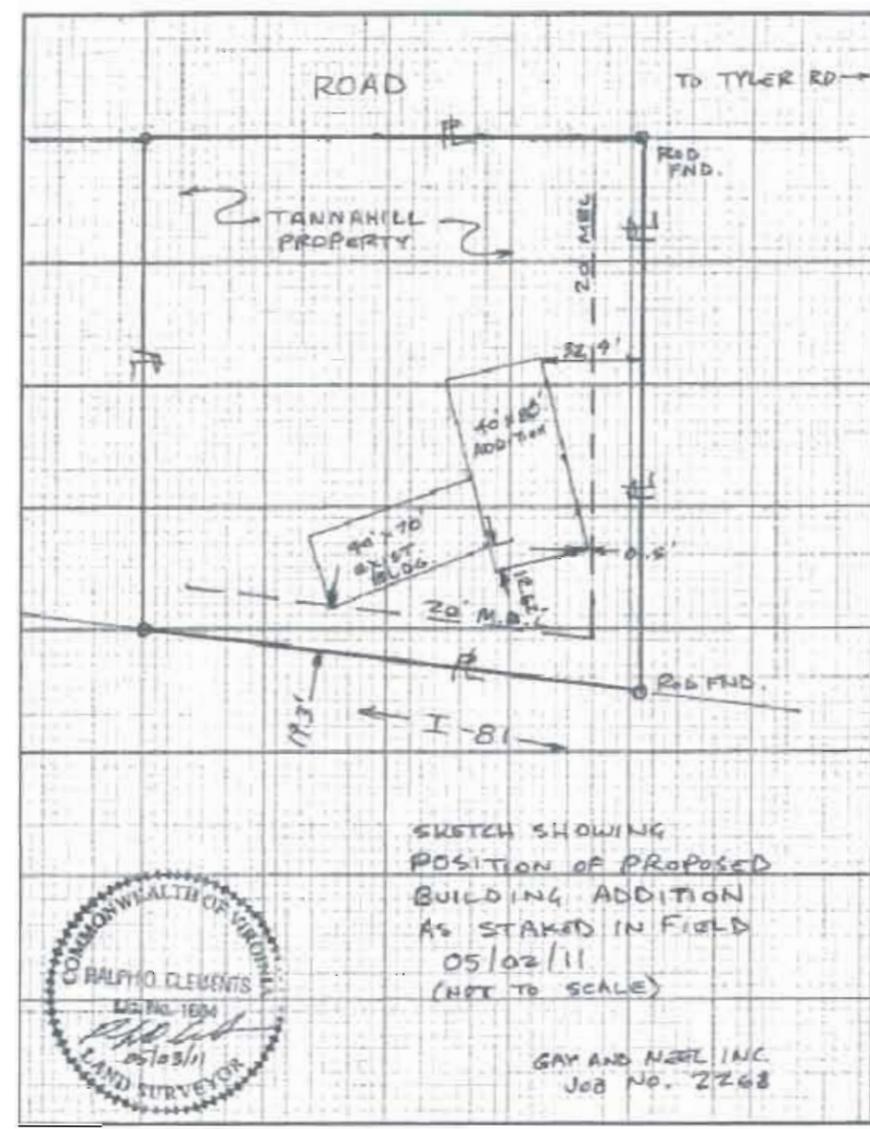
OCCUPANT LOAD

SECTION 1004
OCCUPANT LOAD

1004.1 EXCEPTION:

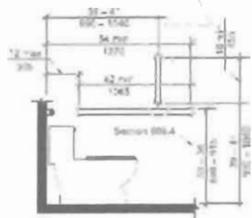
WHERE APPROVED BY THE BUILDING OFFICIAL, THE ACTUAL NUMBER OF OCCUPANTS FOR WHOM EACH OCCUPIED SPACE, FLOOR OR BUILDING IS DESIGNED, ALTHOUGH LESS THAN DETERMINED BY CALCULATION, SHALL BE PERMITTED TO BE USED IN THE DETERMINATION OF THE DESIGN OCCUPANT LOAD.

BUILDING OWNER HAS AGREED TO A POSTED DESIGN OCCUPANT LOAD OF 15 OR LESS WHICH IS EQUAL TO OR LESS THAN 200SF PER OCCUPANT NET WHEN EXCLUDING SERVICE BAYS WHICH ARE TYPICALLY OCCUPIED BY A TRACTOR TRAILER, BUS OR OTHER HEAVY EQUIPMENT BEING REPAIRED.



JAMES & LORI TANNAHILL
 MAGISTERIAL DISTRICT
 MONTGOMERY COUNTY, VIRGINIA

BERNARD B. LAFLEUR
 AIA
 539 RANDOLPH AVENUE
 PULASKI, VA 24301
 (540) 320-0093
 AUGUST 5, 2011



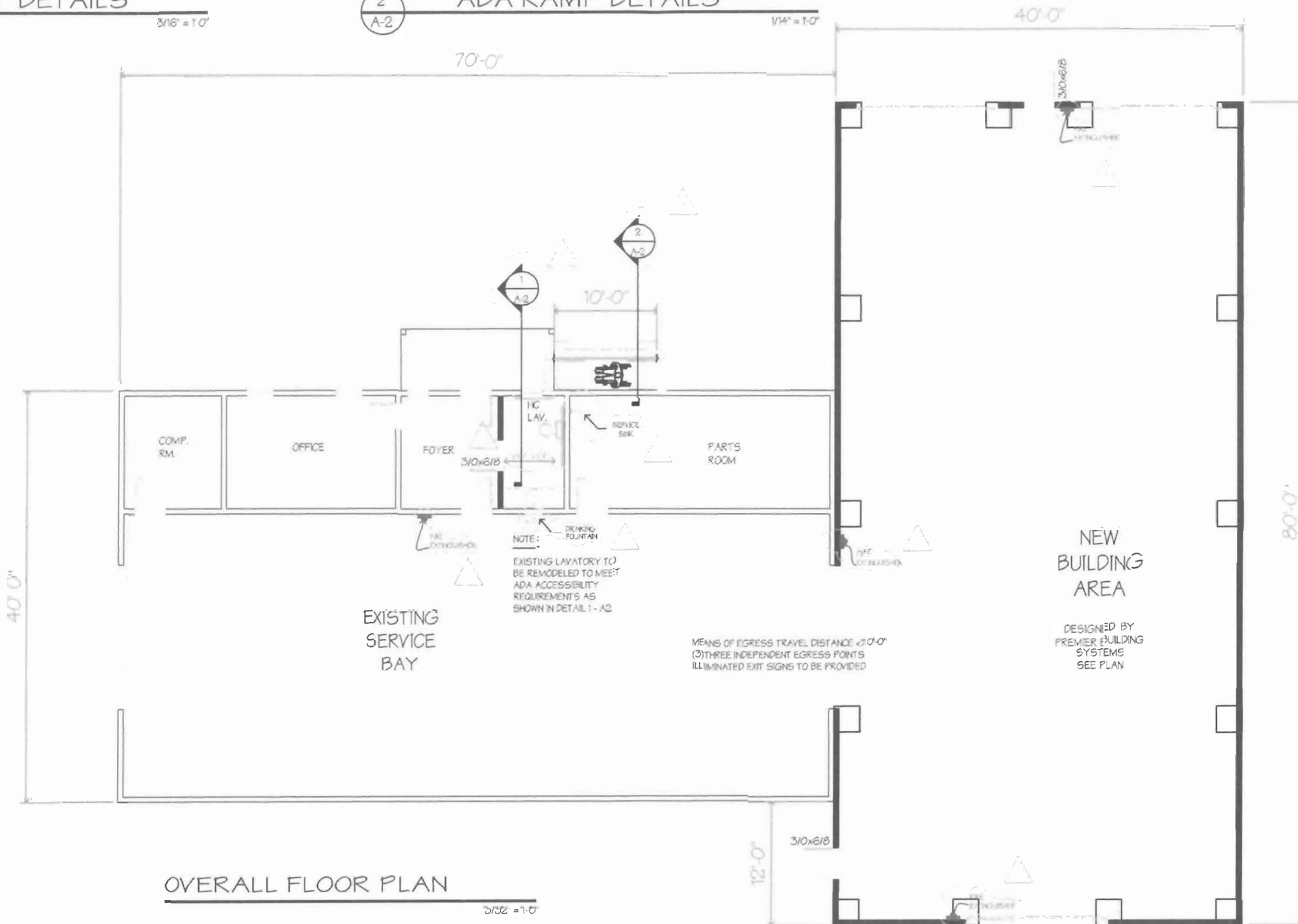
1
A-2 HC LAVATORY DETAILS

3/16" = 1'-0"



2
A-2 ADA RAMP DETAILS

1/4" = 1'-0"



OVERALL FLOOR PLAN

1/8" = 1'-0"

JAMES & LORI TANNAHILL
MAGISTERIAL DISTRICT
MONTGOMERY COUNTY, VIRGINIA



(540) 320-0093

AUGUST '9, 2011

BUILDING FLOOR PLAN

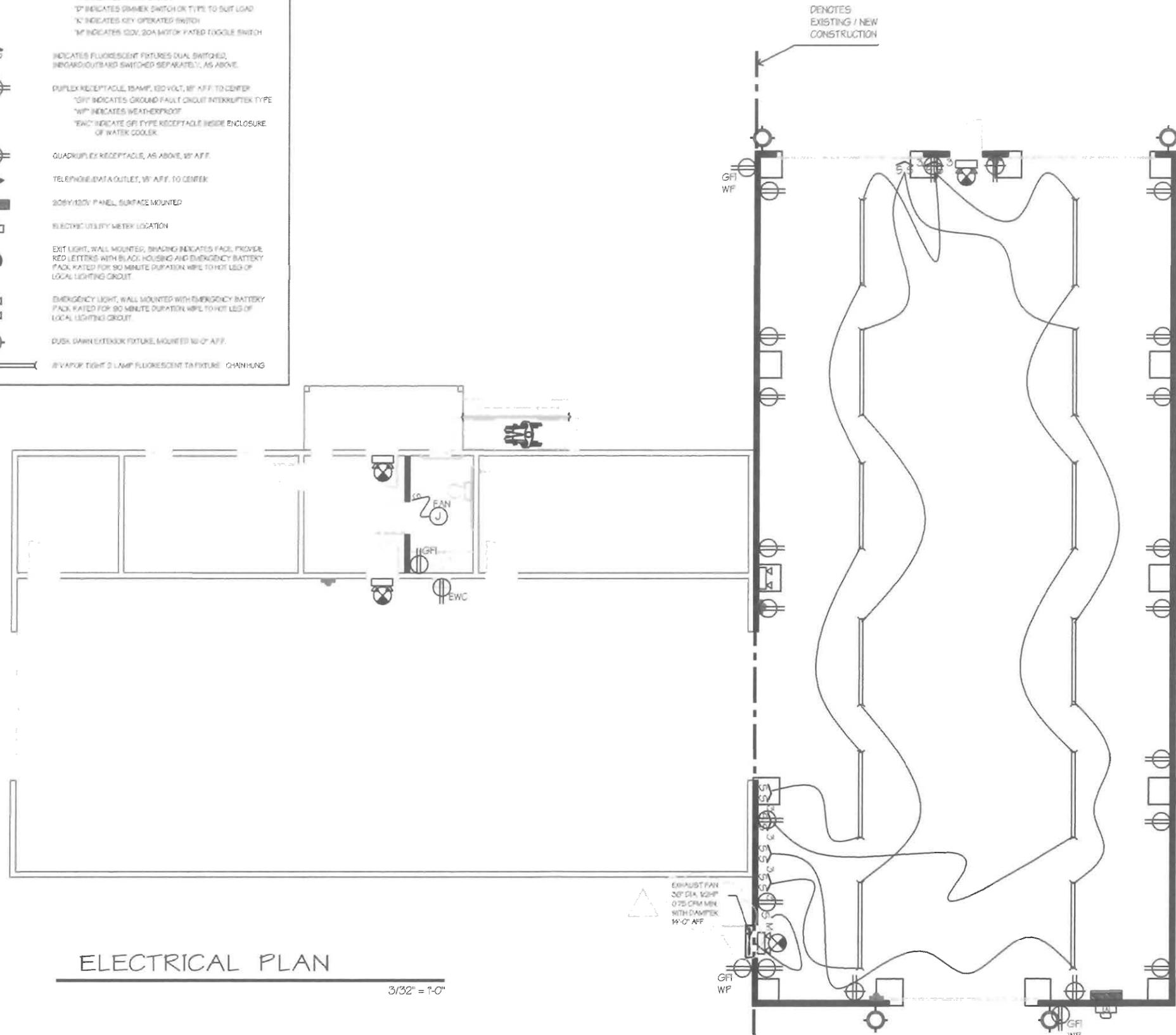
A-2

GENERAL ELECTRICAL NOTES

ELECTRICAL SYMBOL LEGEND

- ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE NATIONAL ELECTRICAL CODE AND ALL LOCAL AND STATE CODES.
- ALL MATERIAL, DEVICES, APPLIANCES, AND EQUIPMENT SHALL BE NEW AND SHALL CONFORM TO THE STANDARDS OF THE UNDERWRITER'S LABORATORIES, INC., AND THE NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION.
- ALL ELECTRICAL PERMITS AND INSPECTION FEES SHALL BE OBTAINED AND PAID FOR BY THE ELECTRICAL CONTRACTOR. DRAWINGS ARE DIAGRAMMATIC ONLY AND INDICATE ONLY THE GENERAL ARRANGEMENT.
- ELECTRICAL CONTRACTOR SHALL GUARANTEE ALL WORK AND MATERIALS FOR ONE YEAR FROM CERTIFICATE OF OCCUPANCY.
- A COMPLETE GROUNDING SYSTEM SHALL BE PROVIDED AND INSTALLED IN ACCORDANCE WITH ARTICLE 250 OF THE NEC.
- CONDUCTORS SHALL BE COPPER RATED AT NOT LESS THAN 600 VOLTS. MINIMUM SIZE SHALL BE #12 AWG. ALL WIRE #8 AWG AND LARGER SHALL BE STRANDED. ALL CONDUCTORS #10 AND SMALLER SHALL BE SOLID. BRANCH CIRCUIT CONDUCTORS SHALL BE TYPE THHN OR THWN AS REQD.
- ALL WIRING SHALL BE INSTALLED IN GALVANIZED RIGID CONDUIT, INTERMEDIATE METAL CONDUIT, OR EMT. EMT SHALL NOT BE USED IN OR UNDER CONCRETE SLABS, OR IN MASONRY WALLS. USE SCHEDULE 40 PVC OUTDOORS WHERE NOT SUBJECT TO PHYSICAL DAMAGE OR BELOW FLOOR SLAB. MINIMUM CONDUIT SIZE TO BE 1/2".
- PROVIDE A PULLWIRE IN ALL EMPTY CONDUITS.
- PROVIDE A TYPED DIRECTORY IN ALL PANELBOARDS CLEARLY DESCRIBING THE LOCATION OF AND TYPE OF LOAD BEING SERVED FOR ALL CIRCUITS. PROVIDE ENGRAVED PHENOLIC NAMEPLATES FOR ALL PANELBOARDS AND DISCONNECT SWITCHES, WHITE LETTERS ON BLACK BACKGROUND.
- FUSES - 0 - 600 AMPS SHALL BE UL CLASS "RK-1" LOW PEAK DUAL ELEMENT TIME DELAY WITH 200,000 AMPERE INTERRUPTING RATING AS MANUFACTURED BY BUSSMANN, OR EQUAL.
- ALL TERMINAL S/LUGS SHALL BE 60/75 ° RATED. ALL TERMINALS, SPLICING CONNECTORS, LUGS, ETC SHALL BE IDENTIFIED FOR USE WITH THE MATERIAL (C/WAL) OF THE CONDUCTOR AND SHALL BE PROPERLY INSTALLED.
- RECEPTACLES SHALL BE GRADE EQUAL TO HUBBELL 5300 SERIES. GROUND FAULT RECEPTACLES SHALL BE HUBBELL GF 5362. LIGHTING SWITCHES SHALL BE GRADE EQUAL TO HUBBELL 1200 SERIES.
- ALL EXTERIOR FIXTURES AND DEVICES SHALL BE RATED FOR OPERATION AT 0 ° F AND SHALL BE DAMP OR WET LABELED AS REQUIRED.
- THE ELECTRICAL CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLING ALL ELECTRICAL EQUIPMENT, DEVICES, ETC. IN ACCORDANCE WITH LOCAL SEISMIC CODE REQUIREMENTS. PROVIDE SEISMIC RESTRAINTS, ACCESSORIES AND INSTALLATION DETAIL AS REQUIRED.

	CIRCUIT CONDUCTORS
	JUNCTION BOX
	SINGLE POLE SWITCH 20A, 120/277VOLT, 48" AFF. TO CENTER. "3" INDICATES 3-WAY SWITCH "4" INDICATES 4-WAY SWITCH "T" INDICATES TRIPPER SWITCH OR TYPE TO SUIT LOAD "K" INDICATES KEY OPERATED SWITCH "M" INDICATES 120V, 20A, MOTOR RATED TOGGLE SWITCH
	INDICATES FLUORESCENT FIXTURES DUAL SWITCHED, INBOARD/OUTBOARD SWITCHED SEPARATELY, AS ABOVE.
	DUPLEX RECEPTACLE, 15AMP, 120 VOLT, 18" AFF. TO CENTER "GFI" INDICATES GROUND FAULT CIRCUIT INTERRUPTER TYPE "WP" INDICATES WEATHERPROOF "EWC" INDICATE GFI TYPE RECEPTACLE INSIDE ENCLOSURE OF WATER COOLER.
	QUADPLEX RECEPTACLE, AS ABOVE, 18" AFF.
	TELEPHONE/DATA OUTLET, 18" AFF. TO CENTER
	200V/120V PANEL, SURFACE MOUNTED
	ELECTRIC UTILITY METER LOCATION
	EXIT LIGHT, WALL MOUNTED, SHADING INDICATES FACIL PROVIDER. RED LETTERS WITH BLACK HOUSING AND EMERGENCY BATTERY PACK RATED FOR 90 MINUTE DURATION. WIRE TO HOT LEGS OF LOCAL LIGHTING CIRCUIT.
	EMERGENCY LIGHT, WALL MOUNTED WITH EMERGENCY BATTERY PACK RATED FOR 90 MINUTE DURATION. WIRE TO HOT LEGS OF LOCAL LIGHTING CIRCUIT.
	DISK LAWN EXTERIOR FIXTURE, MOUNTED 10'-0" AFF.
	1/2" VAPOR TIGHT 2 LAMP FLUORESCENT FIXTURE CHAN/HUNG



ELECTRICAL PLAN

3/32" = 1'-0"



JAMES & LORI TANNAHILL
 MAGISTERIAL DISTRICT
 MONTGOMERY COUNTY, VIRGINIA



(540) 320-0093
 AUGUST 19, 2011

**Montgomery County, Virginia:
Application to the Board of Zoning Appeals**

Application for: (check appropriate box)

Variance to Section _____ of the zoning ordinance to allow: _____

Appeal to Zoning Administrator's decision of 10/14/2011 (date) regarding ordinance interpretation with regards to existing parking lot Sec. 10-44. Off-street parking and loading.

Special Use Permit in _____ (zoning district) to allow _____

Landowner: James C. Tannahill
Address: 350 Elliott Creek Road
Riner, VA 24249

Agent: Bernard LaFleur, AIBD
Address: 539 Randolph Avenue
Pulaski, VA 24301

Telephone: (540) 382-5584

Telephone: (540) 320-0093

Cell phone: (540) 230-7639

Cell phone: _____

Fax: _____

Fax: _____

Email: jctannahill@gmail.com

Email: blafleur@wiredog.com

Property Information: 911 Address of Property 2397 Tyler Road, Radford, VA 24141

Tax Parcel Number: 029000 Zoning Class: GB ID Acct. #: 104- A13A

I have attached the following:

- 1. Letter detailing the justification for the request (see attached guidelines), including any supporting documentation;
- 2. A scale drawing of the property and the proposed project, with location map; and
- 3. Application Fee
- 4. Fifteen (15) copies of application materials

I certify that the information supplied on this application and on the attachments provided (maps and other information provided) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of Montgomery County and the State of Virginia to enter the above property for the purposes of processing and reviewing the above application.

[Signature] 11-14-11
Landowner's Signature Date

[Signature] 11/14/11
Agent's Signature Date

FOR OFFICE USE ONLY

Date Received: 11/14/2011

Application Number: VAR-2011-09429

BERNARD B. LAFLEUR, AIBD

November 14, 2011

Montgomery County, Virginia
Board of Zoning Appeals

Applicant Name: James C. Tannahill
Applicant Address: 350 Elliot Creek Road
Rinner, VA, 24149

Project Name: Addition to Tannahill Truck / Trailer Sales/Service & Repair

Parcel ID: 029000
Tax Map Number: 104-A-13A

Project Address: 2397 Tyler Road, Radford, VA 24141

Greetings:

We are in receipt of a letter dated October 14, 2011 from Ms Dari Jenkins, CZA, planning and zoning administrator for Montgomery County, attached is a copy for your purview.

Wherein this letter defines and requires certain changes to a proposed site plan on the above referenced project. This project has also received approval for a Special Use Permit "R-FY-11-122" and was approved by the Planning Commission and Board of Supervisors on May 23, 2011, attached is a copy or the SUP for your purview.

On April 20, 2011 the planning commission held a site visit and reviewed the scope of the project and the business operation. It was explained and discussed at length the need to have a suitable course material to withstand the effects of tracked heavy equipment such as bulldozers and the like being serviced.

On May 11, 2011 a public meeting was held by the Montgomery County Planning Commission and a discussion was held dealing with the parking surface material needing to be a "coarser material" than asphalt due to the heavy "tracked" equipment being serviced, attached is a copy of the meeting minutes for your purview.

Respectfully, the decision of the Planning and Zoning Administrator requiring "Prime and Double Seal" (a/k/a asphalt) from the entrance continuously up to the existing building is not what was planned, discussed or agreed upon in our numerous meetings. This

requirement greatly limits the operation of this existing business and is an undue burden on the landowner.

The county ordinance specifies the following:

Sec. 10-44. Off-street parking and loading.

(1) *Applicability.* There shall be provided at the time of erection of any building or use, or at the time any building or use is enlarged, minimum permanent off-street parking and loading space in the amount specified in the requirements of this section. Such parking and loading requirements shall apply only to new construction or expansion of an existing use. 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.

Clearly the last line of the preamble for Sec. 10-44 which states: ***“The existing use and parking areas shall be deemed to be exempt from said regulations.”*** has not been given its full weight and applicability on this simple addition of an existing building and business.

The addition is a 40' x 80' steel building adding two (2) service bays for this on-going business. The additional parking required for this addition is two (2) parking spaces. Please see the attached proposed site plan for a more complete understanding of the impact.

We respectfully request the Board of Zoning Appeals to redress this parking / paving issue as we have exhausted every other process available to the landowner. Please understand that the landowner has spent time and treasure dealing with the required Special Use Permit now required after the adoption of the Tyler Avenue Corridor Plan, diminished usable lot area and setback requirements not imposed on other General Business zoned areas in the county.

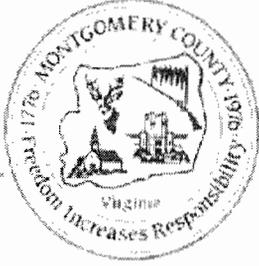
Thank you in advance for your thoughtful review and consideration of our request.

Sincerely,

James C. Tannahill
Owner



Bernard LaFleur, AIBD
Agent



MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 RANDOLPH STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

October 14, 2011

CERTIFIED MAIL

Mr. Bernard LaFleur
539 Randolph Avenue
Pulaski, VA 24301

RE: Site Plan for James and Lori Tannahill; 2397 Tyler Road, Radford, VA 24141

Dear Mr. LaFleur:

Thank you for your recent telephone calls to discuss the proposed site plan for the Tannahill project at 2397 Tyler Road, Radford, VA 24141. The project consists of a 40' x 80' addition to the existing 40' x 70' building currently being used for heavy truck and equipment repair. I understand there are concerns remaining involving the entrance, parking and landscaping of the site as indicated below.

Parking: Section 10-39(6)(b) requires side and rear setbacks to be 20 feet and indicates no parking will be located in a side or rear yard. You indicate the site has been used for the storage of vehicles to be serviced for several years with the vehicles being stored closer than 20 ft. of the property line.

Entrance/Paving: Section 10-44 requires a durable and dustless surface for the public parking areas and the SUP conditions specify that a "durable and dustless surface" be provided. The concept plan submitted with the SUP only indicates an existing parking area. The Planning Commission was advised the surface would need to be a "courser material due to heavier equipment navigating on the property" as documented by the minutes of the meeting; however, the Planning Commission and the Board of Supervisors approved the Special Use Permit with conditions requiring preparation of the detailed site plan in compliance with zoning ordinance requirements, including Section 10-39, Route 177 Corridor Overlay District.

Landscaping/Bufferyard: Section 10-43 requires a Type 1 bufferyard along the front side and rear property lines. Due to the small size of the site and the large size of the equipment to be repaired, there is little room for the planting of a buffer yard.

After review of the code and the site based upon the previous nonconforming use status of the property and the limitations of the small parcel compared to the large size of vehicles being serviced and temporarily stored onsite, the following will be required for the preparation of the site plan:

Bernard LaFleur
November 14, 2011
Page 2

- Equipment awaiting repair may be stored 8 ft. from the side property lines instead of 20 ft. from the side lines.
- Provide an unbound granular surface for the storage of the equipment awaiting repair rather than a durable and dustless surface.
- Provide a durable and dustless surface from the entrance to, and including, the "public parking" area.
- Reduce the buffer yard requirement to require the only the front property line be buffered with the landscaped area to include the first few feet of the side property lines.

I hope this will be helpful to you in finalizing the site plan for approval. The owner has confirmed the foundation has been completed and they would like to begin construction of the building. We will be able to issue the zoning permit once the plan is approved and the improvement bond has been submitted.

Section 10-55(2) of the Montgomery County Code provides that anyone aggrieved by this decision may appeal the decision to the Montgomery County Board of Zoning Appeals (BZA) within thirty (30) days. The appeal shall be received in writing along with a fee of \$260 on or before **November 14, 2011**. Failure to appeal this decision within thirty (30) days shall render this decision unappealable.

Please contact me by telephone at (540)394-2148 or by email at jenkinsds@montgomerycountyva.gov if you should have any questions regarding this matter.

Sincerely,



Dari Jenkins, CZA
Planning and Zoning Administrator

DJ

C: Steven Sandy, Planning Director
James & Lori Tannahill, 350 Elliott Creek Rd., Riner, VA 24141

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MONTGOMERY, VIRGINIA HELD ON THE 23rd DAY OF MAY, 2011 AT 6:30 P.M.
IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER,
755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

**R-FY-11-122
SPECIAL USE PERMIT
JAMES C. & LORILEE B. TANNAHILL
FOR THE PURPOSE OF ALLOWING
TRUCK, TRAILER, HEAVY EQUIPMENT SALES, SERVICE & RENTAL
IN A GENERAL BUSINESS (GB) ZONING DISTRICT
IN THE RINER MAGISTERIAL DISTRICT (DISTRICT D)
PARCEL ID 029000, TAX MAP NUMBER 104-A-13A**

On a motion by William H. Brown, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by James C. & Lorilee B. Tannahill for a special use permit on approximately one (1) acre parcel in a General Business (GB) zoning district to allow truck, trailer, heavy equipment sales, service, and rental is found to be consistent with the County's Comprehensive Plan and is hereby approved with the following conditions:

1. This Special Use Permit authorizes use of the property for truck trailer, and heavy equipment repair and service on property located 2397 Tyler Road; identified as Tax Parcel No. 104-A-13A, (Account No. 029000) and shall generally conform to the concept plan included within application materials, revised April 13, 2011 along with all other applicable code requirements.
2. The existing parking lot shall be surfaced to provide a durable and dustless surface, per section 10-44(2)(e) of the Montgomery County Code prior to the issuance of a certificate of occupancy.
3. A detailed site 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. The site plan shall be prepared in conformance with the requirements of Montgomery County Code, Section 10-39, Route 177 Corridor Overlay District.
4. Any change from the existing use of the property shall require approval and compliance with all applicable VDOT regulations.

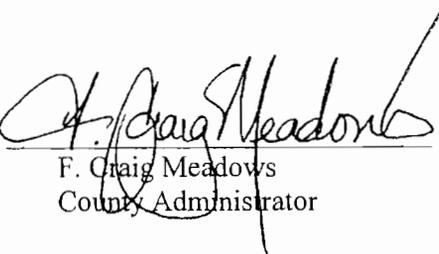
5. Any lighting installed on the property shall be dusk to dawn, "full cut-off" type fixtures to avoid glare onto adjacent properties and shall comply with Montgomery County Zoning Ordinance 10-46(9) Performance Standards.
6. Disabled trucks, trailers, or heavy equipment shall not be parked or stored on the site longer than 30 days. No more than a total of 15 disabled trucks, trailers, and/or pieces of heavy equipment shall be stored on the site at any given time.
7. Landscaping shall be installed prior to issuance of the certificate of occupancy for the 40' x 80' proposed addition to the existing structure.

The property is located at 2397 Tyler Road and is identified as Tax Parcel No. 104-A-13A (Parcel ID: 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 further designated as Business in the Route 177 Corridor Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Mary W. Biggs		
Annette S. Perkins		
Gary D. Creed		
William H. Brown		
James D. Politis		

ATTEST:



F. Craig Meadows
County Administrator

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON MAY 11, 2011 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:

Mr. Thum established the presence of a quorum.

Present: Bryan Rice, Chair
Ryan Thum, Secretary
Joel Donahue, Member
Malvin Wells, Member
William Seitz, Member
Frank Lau, Member
John Tuttle, Member
Mary Biggs, Board of Supervisors Liaison Alternate (arrived @ 8:15pm)
Steve Sandy, Planning Director
Dari Jenkins, Planning & Zoning Administrator
Jamie MacLean, Development Planner
Brea Hopkins, Planning & Zoning Technician

Absent: John Muffo, Board of Supervisors Liaison
Robert Miller, Member
Walt Haynes, Vice-Chair

APPROVAL OF AGENDA:

On a motion by Mr. Seitz, seconded by Mr. Wells, and unanimously carried the agenda was approved.

CONSENT AGENDA:

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

PUBLIC ADDRESS:

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

PUBLIC HEARING:

A request by James C. & Lorilee B. Tannahill for a Special Use Permit on approximately 1 acre parcel in a General Business (GB) zoning district to allow truck, trailer, heavy equipment sales, service, and rental. The property is located at 2397 Tyler Road and is identified as Tax Parcel No. 104-A-13A (Parcel ID: 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 further designated as Business in the Route 177 Corridor Plan.

Mr. Rice introduced the request.

Ms. Jenkins presented maps and photos of the property. The applicants are requesting a Special Use Permit to bring an existing nonconforming use into conformance with the zoning ordinance and allow the construction of a 40' x 80' addition to the existing garage. VDOT has stated the entrance is sufficient for the proposed use; however, if the intensity of use is increased upgrades may be necessary. Mr. Fronk, PSA Director has indicated there is no additional impact to the water or sewer services. Visual impacts are a concern; however, may be mitigated by landscaping along the front of the property. Currently there is not a vegetative buffer present. The

concept plan does indicate some landscaping will be installed; however, this will be reviewed further at the time of site plan review. She reviewed the concept plan submitted by the owner.

Mr. Seitz asked what type of dustless surface would be required.

Ms. Jenkins stated it could be tar and chip if desired.

Mr. Rice opened the public hearing.

Mr. Bernard Lafleur, agent stated the surface would have to be a coarser material due to the heavy equipment navigating on the property. It is the desire of the owners to maintain the property as an attractive business. The proposed limit of 15 vehicles would be the most that could be onsite if the trailer is attached to the tractor.

There being no further comments, the public hearing was closed.

Mr. Seitz made a motion, seconded by Mr. Thum to recommend approval of the request by James C. & Lorilee B. Tannahill for a Special Use Permit on approximately 1 acre parcel in a General Business (GB) zoning district to allow truck, trailer, heavy equipment sales, service, and rental with the following conditions:

1. This Special Use Permit authorizes use of the property for truck trailer, and heavy equipment repair and service on property located 2397 Tyler Road; identified as Tax Parcel No. 104-A-13A, (Account No. 029000) and shall generally conform to the concept plan included within application materials, revised April 13, 2011 along with all other applicable code requirements.
2. The existing parking lot shall be surfaced to provide a durable and dustless surface, per section 10-44(2)(e) of the Montgomery County Code prior to the issuance of a certificate of occupancy.
3. A detailed site 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. The site plan shall be prepared in conformance with the requirements of Montgomery County Code, Section 10-39, Route 177 Corridor Overlay District.
4. Any change from the existing use of the property shall require approval and compliance with all applicable VDOT regulations.
5. Any lighting installed on the property shall be dusk to dawn, "full cut-off" type fixtures to avoid glare onto adjacent properties and shall comply with Montgomery County Zoning Ordinance 10-46(9) Performance Standards.
6. Disabled trucks, trailers, or heavy equipment shall not be parked or stored on the site longer than 30 days. No more than a total of 15 disabled trucks, trailers, and/or pieces of heavy equipment shall be stored on the site at any given time.
7. Landscaping shall be installed prior to issuance of the certificate of occupancy for the 40' x 80' proposed addition to the existing structure.

Mrs. Hopkins called the roll and the motion passed (7-0) with the following vote:

AYES: Rice, Haynes, Seitz, Lau, Wells, Miller, Tuttle
NAYES: None
ABSTAIN: None

An Ordinance amending Article II, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia; by incorporating Traditional Neighborhood Design- Planned Unit Development (TND-PUD) and Traditional Neighborhood Design Infill (TND-I) as zoning designations; by amending Section 10-25, Residential District, R-2; and by amending Section 10-26 Residential District R-3 to incorporate traditional neighborhood design concepts.

Mr. Rice introduced the request.

Mr. Sandy stated the ordinance amendments had been reviewed previously. The two new zoning districts would be TND-Infill, and TND-PUD. The infill designation is for smaller lots located within the village and the PUD designation is for open parcels that are being newly developed. This will help promote and encourage development in the villages. Insert purposes. Revised the R2 and R3 to revise the compact development option to reflect traditional neighborhood design concepts.

Mr. Rice under R2 compact under streets, streets shall parallel existing fence lines. Is this a goal?

Mr. Sandy trying to avoid the cul de sacs and promote more of a grid type network of streets. If they cannot or do not desire the grid network then they can do strict rezoning to r2. Can say "generally" parallel so it is not a requirement.

Mr. Rice opened the public hearing; however, there being no comments, Mr. Rice closed the public hearing.

Mr. Wells discussed in length over the last months.

On a motion by Mr. Wells, seconded by Mr. Donahue and carried by a 7-0 vote (Miller and Haynes absent) the Planning Commission recommended approval of n Ordinance amending Article II, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia; by incorporating Traditional Neighborhood Design- Planned Unit Development (TND-PUD) and Traditional Neighborhood Design Infill (TND-I) as zoning designations; by amending Section 10-25, Residential District, R-2; and by amending Section 10-26 Residential District R-3 to incorporate traditional neighborhood design concepts with amendment "generally" parallel fence lines

An Ordinance amending Article IV, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia, Section 10-45, by incorporating regulations regarding LED/Changeable Message Signs; by amending the sign matrix to allow directory signage and incorporate regulations for the proposed TND-I and TND-PUD districts; by incorporated allowances for "shopping center" for retail spaces with walls up to one-thousand (1,000) square feet; by incorporating regulations for Mixed-Use Developments and Business Parks; by incorporating regulations regarding off-premise signs for semipublic uses, community signs, subdivision signs, and signs for church, chapel, synagogue, temple or other place of worship; by including a special use permit to allow an increase in sign area to be granted by the BZA.

Mr. Rice introduced the request.

Ms. Hopkins stated the ordinance amendments had been discussed previously. Two minor changes have been made since the last meeting.

Mr. Rice opened the public hearing.

There being no further comments public hearing closed.

On a motion by Mr. Thum, seconded by Mr. Lau and carried by an 7-0 vote (Miller absent) the Planning Commission recommended approval as presented.

OLD BUSINESS:

Placard Notice Ordinance Amendment

On a motion by Mr. Thum, seconded by Mr. Wells and carried unanimously the Planning Commission removed the request from the table for discussion.

Ms. Jenkins stated the request was discussed at the previous meeting. State Code does not allow the applicant to install the sign; therefore, it will be up to staff to post the property. Recognize that the signs are beneficial. She discussed the options available in terms of sign type and the method of posting. She presented examples of signs available.

Mr. Rice discussed the method used by the Town of Christiansburg. Saw horse. Mr. Rice stated he liked the generic version of the sign versus the writable message.

Mr. Lau alternative 2 with the generic information, contact information, etc. By specifying all case information you can't read them because they are written so small.

Mr. Donahue signs are effective but need date and type of hearing. He suggested adhesive tape to write over.

Mr. Thum stated the date or time is not necessary other than convenience but a generic sign will work.

Mr. Sandy can charge applicant for each sign as an alternative.

Mr. Donahue a steel sign could be taken and recycled.

Mr. Sandy my preference is to have applicant buy the sign and then staff doesn't have to go back unless called because it is missing. Not required so it is extra. Burden placed on staff because can't require applicant to place them. Applicant pays for notice in paper. Have smaller sign and possibly place 2 or 3 per property. They will also be double sided.

Mr. Wells like the option of putting it up, take picture, and that would be sufficient for the requirement. Applicant would be responsible for removing since they purchased it.

It was the consensus of the commission that the 18x24 sign with date paid for by applicant.

NEW BUSINESS:

None

WORKSESSION:

LIAISON REPORTS:

- Board of Supervisors- Mary Biggs- Huckleberry Ridge approved; Tower denied because of location within residential transition area; mtg with school board last night discussed capital needs and how to work together for better productivity.
- Agriculture & Forestal District- Bob Miller- NA
- Blacksburg Planning Commission – Frank Lau- No report. Residential development on Giles Road may be upcoming.
- Christiansburg Planning Commission – Bryan Rice-
- Economic Development Committee- John Tuttle- Kevin Byrd discussed PDC role in regional Economic development
- Public Service Authority – Malvin Wells No zoning issues but old water line in Elliston on Old Roanoke rd side was leaking 50,000 gallons per day but could not see signs of leak. Repairs will be necessary.
- Parks & Recreation- Walt Haynes
- Radford Planning Commission- Bob Miller
- School Board- Bill Seitz- attended last 2 meetings. Contract to clear BMS has been rewarded and started.
- Transportation Safety Committee- Malvin Wells- Georges Run Road several slides. Passed on to VDOT, emergency responders meeting with 3rd lane crew.
- Planning Director's Report- Steven Sandy- public hearing N. Fork road improvements 5/19 5-7 at fire station. Ordinance amendments to board in June due to heavy schedule.

There being no further business the meeting was adjourned at 8:20 p.m.

AT A MEETING OF THE MONTGOMERY COUNTY BOARD OF ZONING APPEALS HELD ON DECEMBER 6, 2011, AT 5:00 P.M. IN THE COUNTY ADMINISTRATION CONFERENCE ROOM, SECOND FLOOR, MONTGOMERY COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. DiSalvo called the meeting to order and confirmed a quorum.

Present: Richard DiSalvo, Chair
Michael Reilly, Vice Chair
Charles (Chuck) Shorter, Member
Steve Howard, Member
David Moore, Member
Dari Jenkins, Planning & Zoning Administrator
Brea Hopkins, Planning & Zoning Technician

Absent: None

Approval of Minutes

On a motion by Mr. Howard, seconded by Mr. Reilly, and carried by a vote of 4-0 (Moore absent) the minutes of the November 1, 2011 meeting were approved.

New Business

An appeal by James C. Tannahill (Agent: Bernard LaFleur) of the zoning administrator's decision dated October 14, 2011 regarding paving an existing entrance and parking area associated with site improvements for an addition to a building used for heavy truck and equipment repair on property located at 2397 Tyler Road. The property is identified as Tax Parcel Nos. 104-A-13A (Account #: 029000) in the Riner Magisterial District (District E).

Mr. DiSalvo introduced the request.

Ms. Jenkins reviewed the appeal information and the location of the property which is zoned General Business. A recent Special Use Permit (SUP) was obtained to allow the expansion of a heavy equipment repair facility previously considered to be a legal nonconforming use. The SUP was issued by the Board of Supervisors with several conditions.

Ms. Jenkins explained that approval a site plan was required to be submitted and approved by the zoning administrator. The site plan shall be prepared in compliance with the zoning ordinance and the 177 overlay district. A copy of documentation from the SUP request was provided to the BZA for information in reviewing the appeal. State and local code allow conditions to be imposed on SUP requests to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure. Condition number 2 of the SUP approved by the Board of Supervisors states "the existing parking lot shall be surfaced to provide a durable and dustless surface, per Section 10-44(2)(e) of the Montgomery County Code prior to the issuance of a certificate of occupancy".

A determination was issued on October 14, 2011 reducing the site planning requirements for this site because of the nonconforming use status and the existing building location. One of the items required was the paving of the travel aisle from the existing entrance to the required parking area shown on the approved site plan. The applicant is appealing this decision based on section 10-44(1) which states "...In the case of an expansion of an existing use, only the expansion shall be required to meet these regulations". The applicants and owners have been advised that a request for amendment to the Special Use Permit would allow the Board of Supervisors to remove and/or amend the condition.

The BZA can modify, reverse, or affirm the decision of the zoning administrator. The county attorney has asked that the BZA be advised the condition placed on the SUP cannot be removed by action of the BZA. Ms. Jenkins reviewed the concept plan and approved site plan for the development of the property.

Mr. DiSalvo noted that Section 10-44(2)(e) of County Code addresses how the pavement should be done.

Ms. Jenkins stated that the ordinance requires the pavement be a minimum of prime and double seal surface, or stronger. The argument is that it will not be stable enough for the heavy truck traffic.

Mr. Lafleur, agent for the applicant, stated it was his understanding the BZA could make a determination on this matter.

Mr. DiSalvo explained the BZA could support or disagree with the determination of the zoning administrator; however, cannot alter the condition of the Board of Supervisors.

Mr. DiSalvo opened the public hearing.

Mr. Lafleur stated the truck repair business has been there since 2008. The expansion project has been going through processes for a year. The owners chose to spend \$260 to have the BZA hear the case because the process was quicker. The size of the building was reduced due to setbacks and a fence was added to provide screening for a dumpster. The prime and double seal causes safety concern with trucks sliding on the pavement due to the topography. Maintenance of the asphalt is going to be constant because it will not hold up to the truck traffic.

Mr. Lafleur explained that during the site visit for the SUP request, everyone was in agreement to pave one area of the parking lot and allow the rest to remain gravel. In the minutes of the Planning Commission hearing, dated May 11, 2011, it was stated that the aggregate area needs to remain due to the weight of heavy equipment stored on the property. Mr. Lafleur presented photos showing the actual parking area which is paved. He commented the zoning administrator has asked to pave the travel lane which has never been paved and is an existing drive. He reviewed Section 10-44 stating only the expansion shall be required to meet these regulations. The paving of the travel aisle was never proposed and the owners are opposed to paving the traffic aisle. Prior to obtaining a building permit, the owner had to post a bond for paving and landscaping. The requirement should be to post the bond prior to issuance of the Certificate of Occupancy. This process is burdensome on citizens. The Tannahill business is existing and the owner has agreed to provide landscaping to improve the area. Paving the travel aisle is a burden.

Mr. DiSalvo asked if the parking area was graveled or paved at the time of the Special Use Permit request.

Mr. Lafleur responded that the employee parking area was paved; however, it may not have been obvious to the Commission members during the site visit.

Mr. DiSalvo noted that condition number two (2) could be very inclusive and could be interpreted that the entire parking area for heavy equipment was included and should be paved.

Ms. Tannahill, owner, stated she had discussed the situation with Mr. Meadows who agreed that it would be impossible to maintain pavement in the areas that were traveled or utilized by the heavy equipment.

Mr. DiSalvo expressed that the zoning administrator had been very flexible in the interpretation of the ordinance and the conditions placed on the Special Use Permit. So flexible, in fact, that the site plan probably requires much less than what the Board of Supervisors expected when approving the Special Use Permit.

Mr. Lafleur noted that the area was never shown as paved during the Special Use Permit process/hearings.

There being no further comments, the public hearing was closed.

Mr. Reilly advised he had visited the property and could see the difficulty that would be experienced with a large piece of equipment maneuvering the site. Pavement is not going to last long; however, the conditions cannot be changed and the zoning administrator's interpretations are correct.

Ms. Tannahill noted that it could be interpreted that the travel aisle area is not a parking area.

Mr. DiSalvo stated the Board of Supervisors has been interested in supporting small businesses. Considering the intentions of the Board, requiring a dustless surface would involve travel aisles and parking. The points made by the owner and agent are reasonable; unfortunately, the Board is going to have to make the decision regarding the condition placed on the special use permit.

Mr. Lafleur noted the existing parking lot is exempt per ordinance.

Ms. Jenkins confirmed the parking lot is existing, but has to be dustless based on condition number two (2) of the Special Use Permit.

Mr. Shorter emphasized that the BZA does not have the authority to change the condition of the Special Use Permit approved by the Board of Supervisors.

Mr. DiSalvo noted that if clarification from the Board could be received regarding their intent, then perhaps that may help avoid the time and cost of filing for an amendment to the Special Use Permit. The BZA cannot change the condition of the Board of Supervisors; however, the Board can agree or disagree with the decision of the zoning administrator.

On a motion by Mr. Reilly, seconded by Mr. Shorter and unanimously carried, the appeal by **James C. Tannahill** (Agent: Bernard LaFleur) of the zoning administrator's decision dated October 14, 2011 regarding paving an existing entrance and parking area associated with site improvements for an addition to a building used for heavy truck and equipment repair was tabled to allow for clarification from the Board of Supervisors as to their intent regarding paving as it relates to condition #2 of the approved Special Use Permit.

Adjournment

There being no further business the meeting was adjourned at 5:50 p.m.

MEMORANDUM

TO: Planning Commission

FROM: Planning Staff

DATE: September 6, 2012

RE: **Agricultural & Forestal District #3 (Little River) Renewal**

I. General Purpose

Agricultural & Forestal Districts (AFD's) are rural areas reserved for the production of agricultural products and timber as important economic and environmental resources. They are established according to state guidelines at the initiative of individual landowners and the approval of the Board of Supervisors. Participating landowners relinquish some development rights, for a period of eight years, in return for increased protection and possible real estate tax benefits. All residents benefit from good stewardship of the land and from the reduced demand to extend urban public services into rural areas of the County.

II. Background – District #3 (Little River)

AFD 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). The district was originally established in October of 1980 and was last renewed by ordinance adoption in 2004. This district is currently under review for another eight year term. Currently, AFD 3 consists of 13 property owners and approximately 1283.3 acres.

III. Analysis

Two (2) property owners have proposed additions to AFD 3 totaling approximately 70.8 acres, and one (1) property owner has proposed a withdrawal of 3.19 acres. During the district renewal and review process, staff spoke to the AFD committee about section § 15.2-4305 of the Code of Virginia. This section of the code, which governs the eligibility of parcels in AFD districts states:

Each district shall have a core of no less than 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district

(i) if the nearest boundary of the parcel is within one mile of the boundary of the core, (ii) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core, or (iii) if the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land.

Staff and the AFD committee reviewed the previous boundaries and buffer areas associated with AFD 5, and found that there were parcels which fell outside of the above referenced one mile boundary, and were not contiguous to a parcel in the district, with the nearest boundary not being within one mile of the boundary of the core.

Therefore, the committee determined that it would be prudent to revise the current district boundaries for AFD 5 to address some of the properties that fall outside of the buffer area. The committee determined that some of these properties that fall outside the buffer area should be transferred to a nearby AFD, such as Silver Lake Rd. (AFD 4) or Little River (AFD 3). Approximately 365.7 acres are proposed to be transferred from AFD 5 to AFD 3 for the upcoming renewal period. This revision of district lines addresses some of the properties that are not within one mile of the boundary or contiguous to a parcel within one mile of the boundary of a core. However, there will still be some parcels that do not fall within the buffer area. These parcels have been identified as 'outliers' (denoted in "Table A") and may be included in the district if they are found to have agriculturally and/or forestall significance, per the Code of Virginia.

"Table A", shown below provides a complete listing of the property owners and corresponding acreages that are proposed for inclusion in AFD 3 for the upcoming eight year term (2012-2020). Those properties that are outside the buffer area which may be determined to be of agricultural and/or forestall significance are designated on the table as "outlier parcels". As previously mentioned, per section § 15.2-4305 of the Code of Virginia, "outlier parcels" may be included for their agricultural and forestall significance.

With the proposed additions, withdrawal, and transfers the Little River (AFD 3) district would contain a total of 1716.613 acres, and would consist of 37 parcels in the upcoming eight year period (2012-2020).

IV. Agricultural and Forestal Advisory Committee Recommendation

On a motion by Mr. McElfresh, seconded by Mr. Politis, and carried unanimously (Pack absent) the AFD advisory committee voted to recommend **approval** of the revised renewal, additions, withdrawal, and transfer of the parcels in "Table A" shown below for a period of eight years. The committee further recommended that the "outlier parcels", denoted in "Table A" are specifically included in AFD 3 (Little River), per section § 15.2-4305 of the Code of Virginia, for their agricultural and forestall significance to Montgomery County.

Furthermore, these parcels were also determined to be in areas designated in the Montgomery County Comprehensive Plan as Resource Stewardship or Rural on the future land use map. Therefore, the total acreage to be included in AFD 3 (Little River) for the upcoming eight year term would be 1716.613 acres, (378.6 acres being outlying parcels) and include 37 parcels.

V. Action by Planning Commission

The Planning Commission is responsible for reviewing the AFD Advisory Committee recommendation for renewal of the district, conducting a public hearing, and then making a Commission recommendation to the Board of Supervisors. Planning Staff recommends that the Planning Commission accept the AFD Advisory Committee's recommendation and forward it on to the Board of Supervisors. The Board of Supervisors is scheduled to hold a public hearing on the renewals on September 24th and take official action at their October 8, 2012 meeting.

TABLE A:

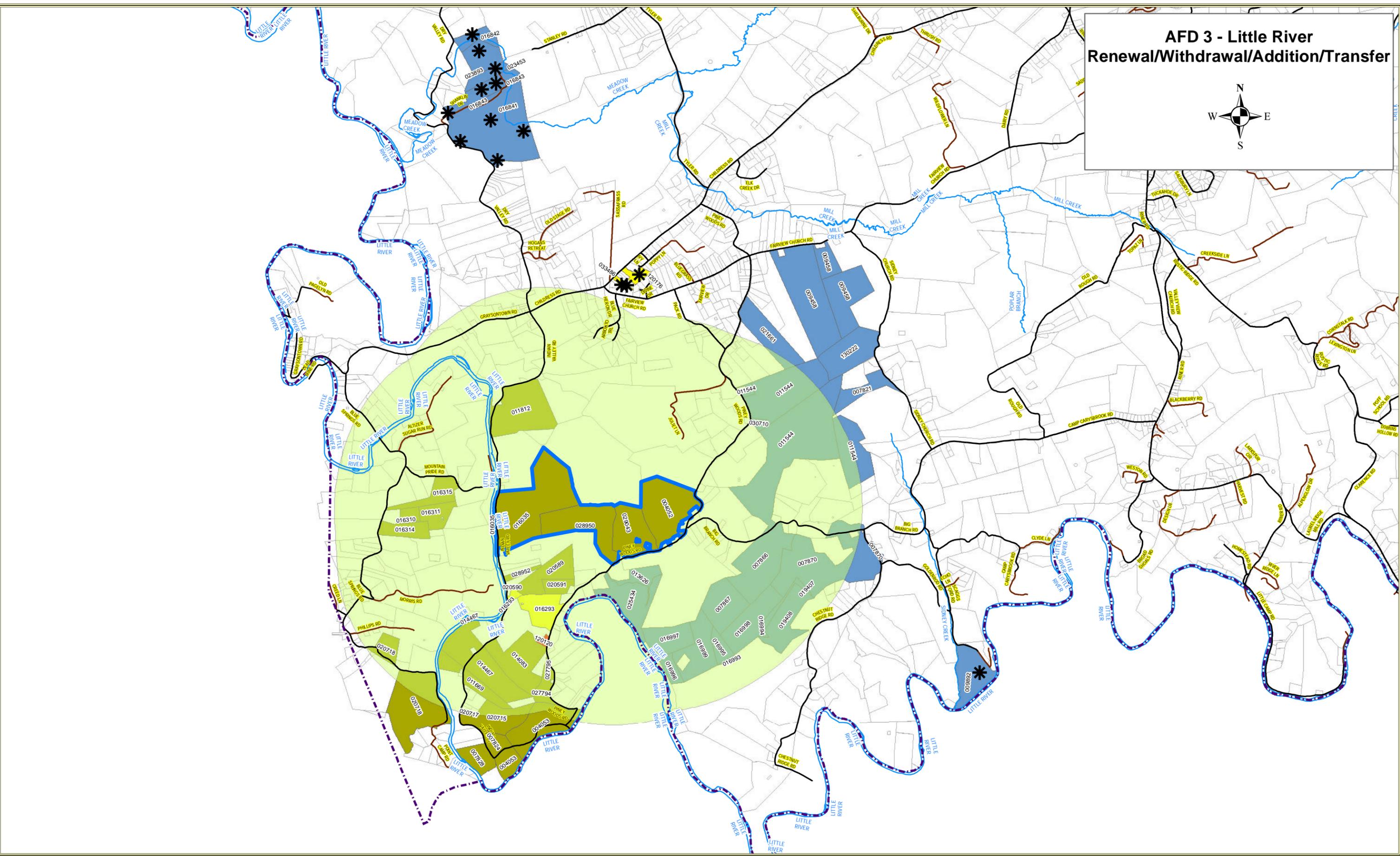
PARCEL_ID	OWNER1	ACREAGE	STATUS	OUTLIER
028950	BALCOR CORP.	94.44	AFD 3 Renewal	No
004053	BERNARD AND BESSIE COX	96.90	AFD 3 Renewal	No
027795, 027794, 004052, 029043	DONALD AND WAYNE COX	201.08	AFD 3 Renewal	No
016315, 016311, 016310, 016314	HARRY AND GAIL GROOT	84.60	AFD 3 Renewal	No
007824, 007828	CHARLES G. HALL ET AL	44.80	AFD 3 Renewal	No
011669	DRAYTON MABRY	34.10	AFD 3 Renewal	No
011812	THEODORE AND EDITH MARSHALL	106.30	AFD 3 Renewal	No
014083	ALLEN PHILLIPS	78.78	AFD 3 Renewal	No
014467	WILLIAM PHILLIPS ET AL	97.79	AFD 3 Renewal	No
016035	RIVER HAVEN FARMS INC	178.18	AFD 3 Renewal	No
020589, 020591, 020590	DENNY WELLS AND JUDY NIXON	66.36	AFD 3 Renewal	No
020715, 020717, 020718	BURMAN WHITE ET AL	190.60	AFD 3 Renewal	No
028952	MARGARET AND CECIL MORRIS	6.22	AFD 3 Renewal	No
016293	BURMAN WHITE ET AL	57.83	ADDITION	No

AFD 3 Renewal

009892	JONES ALMA HESTER	60.85	AFD 5 to AFD 3	Yes
033486, 033487, 120176	OBISO RICHARD J. AND OBISO MELISSA L.	12.973	ADDITION	Yes
023453	SHANKLIN JOHN W	17.12	AFD 5 to AFD 3	Yes
016841	SHANKLIN JOHN W	182.745	AFD 5 to AFD 3	Yes
016842	SHANKLIN JOHN WILLIAM	19.64	AFD 5 to AFD 3	Yes
016843	SHANKLIN JOHN WILLIAM	34.95	AFD 5 to AFD 3	Yes
023893	SHANKLIN JOHN ROBERT	43.4	AFD 5 to AFD 3	Yes
110302	HURST WADE RICHARD III	2.03	AFD 5 to AFD 3	Yes
120347	DIAMOND JOE D SR	2.979	AFD 5 to AFD 3	Yes
160318	CREIGHTON CYNTHIA L	2	AFD 5 to AFD 3	Yes
120120	TIMOTHY AND BONNIE RUTHERFORD	3.19	WITHDRAWAL	N/A
Total acreage to be added from AFD 5 to AFD 3			365.7	
Total acreage to be withdrawn from AFD 3			3.19	
Total acreage to be added to AFD 3			70.80	
Total acreage to be in AFD 3 2012-2020 term			1716.613	

Enclosures: Map of AFD #3-Revised September 6, 2012
AFD Committee Meeting Minutes, August 28, 2012

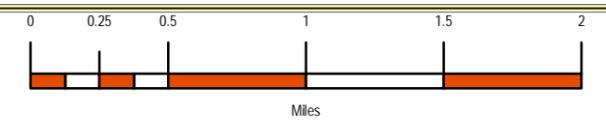
AFD 3 - Little River Renewal/Withdrawal/Addition/Transfer



Map Prepared by Montgomery County, Va
 Planning and GIS Services, 7/26/2012
 (Revised: 8/6/2012 / 8/22/2012 / 9/06/12)

Legend

- Addition
- Renewal
- Withdrawal
- Transfer
- AFD3 Core
- AFD 3 Buffer
- * Outlying



AT A MEETING OF THE ADVISORY COMMITTEE ON AGRICULTURAL AND FORESTAL DISTRICTS (AFD's) BEGINNING AT THE GOVERNMENT CENTER IN CHRISTIANSBURG, VIRGINIA ON AUGUST 28, 2012 AT 2:00 PM:

Present: Britt Boucher, Chairman
 Bob Styne, Vice-Chairman
 John Garrett, Member
 Tom Loflin, Member
 William McElfresh, Member
 Gregory Miller, Member
 Richard Obiso, Member
 Tom Bland, County Assessor, Member
 Jim Politis, Board of Supervisors, Member
 Bob Miller, Planning Commission Liaison
 Steve Sandy, Planning Director
 Jamie MacLean, Development Planner

Absent: William Pack, Member

The members began their business meeting at 2:08 p.m. to discuss the renewal of Agricultural and Forestal Districts 3 (Little River), 4 (Silver Lake Rd.), and 5 (Riner).

Mr. Boucher opened the meeting by reviewing the items of business that were on the agenda.

Mr. Boucher stated that the committee had reconvened from the last meeting on July 31, 2012, to discuss the renewal of the aforementioned districts and to review the appropriateness of including the proposed outlying properties.

Mr. Sandy discussed the outlying properties and their relationship to each of the AFD districts.

Mr. Boucher asked Mr. Sandy how the districts had become fragmented over the years.

Mr. Sandy explained that there were various reasons why the districts may have become fragmented. Some possibilities include erosion of the district's core, and also parcels which may have been added over the years.

Mr. Sandy also stated that a few of the County's AFD districts have dropped out over the years because of core erosion.

Mr. Boucher inquired as to whether or not the outlying properties were being used for agricultural or forestall uses.

Mr. Sandy reviewed the list of outlying properties. Many of the properties are in conservation easements, active farming, hay production, or forestall use. Almost all of the outlying parcels have soils types that have been identified as good agricultural soils.

Mr. Boucher stated that he thought that outlying properties were appropriate for inclusion in the proposed district renewals.

Mr. Loflin stated that since there was no tax advantage to being in the AFD, anyone who wants to join or renew participation in the AFD should be included.

Mr. Sandy stated that state code allows the AFD committee to include the outlying properties, if the committee deems them to have agricultural and/or forestall significance.

Mr. McElfresh asked if all the properties in AFD districts have a current conservation or forestry management plan.

Mr. Sandy stated that the properties do have some form of a plan, but it's more difficult to ascertain whether or not they are following the plan. The ones that staff has checked have been in compliance with their plans, but it would take a substantial amount of staff time to check each of them.

Mr. Boucher asked if it was the duty of the committee to judge compliance or environmental stewardship of the property owners.

Mr. Styne stated that he thought there was an obligation to determine whether or not the property owners are actually following the plans that they submit for AFD and Land Use programs. Mr. Styne stated that there should be a mechanism to go one by one through the properties and ensure that they are following their plans for AFD and the Land Use program. Although there is currently no tax advantage for AFD participation the property owners should still comply with their plans.

Mr. Politis stated that perhaps a tax advantage for an AFD property could fall between the current tax incentives for a conservation easement and land use.

Mr. Loflin stated that he thought that the committee and board should do whatever they could do facilitate a tax advantage for AFD participants. He further stated that even if property owners didn't follow their plans, he felt their participation was an advantage to the County.

Mr. Sandy stated that if a tax incentive program is implemented for AFD properties, then compliance would need to be reviewed and monitored very closely.

Mr. Bland stated that he thought the monitoring of compliance could be a combined effort between the Land Use and AFD programs. Mr. Bland stated that he felt that this could be a benefit to the County and should be explored.

Mr. Styne suggested a tiered incentive approach, by perhaps increasing the tax incentive with land use and increasing it with land use and AFD participation, and further increasing with conservation easement participation.

Mr. Bland stated that Loudon County doesn't have an AFD program but they have open space included with their Land Use program. Loudon County also has a sliding scale of incentives. If a citizen enrolls in open space then they commit to 10 or 20 year time period. If property is taken out of the program before the commitment is met, there is a 100% roll back on taxes that must be paid. Loudon County's open space areas are taxed at approximately \$1500.00 per acre, which is higher than the other

agricultural uses. Mr. Bland stated that the eight year commitment made by AFD participants is significant and something to consider.

Mr. Robert Miller commented on the proposed dividing lines between AFD 4 and 5.

Mr. McElfresh asked staff if there was a list of properties that the County would like to see in an AFD program.

Mr. Sandy responded that there is not currently a list of properties that the County would like to be in AFD.

Mr. McElfresh suggested a targeted mailing to some agriculturally or forestall significant properties with taxes.

Mr. Bland stated that staff could review the land use rolls and obtain information on properties that aren't currently in AFD but are in Land Use.

Mr. Sandy explained that in 2011 staff reached out to property owners and encouraged those who were in AFD but not in land use program to contact the Commissioner of the Revenue's office to inquire about land use eligibility.

Mr. Obiso inquired about the possibility of increasing the buffer zone requirements to encompass more properties in the AFD.

Mr. Sandy explained that the buffer zone requirements are set by state code, the only way that the buffer area can expand is if the core increases in size.

Mr. Garrett stated that he thought it might be advantageous to ask the state to reduce core acreage requirements or increase buffer allowances to be more inclusive of properties wanting to join an AFD.

Mr. Sandy stated that currently the core must be 200 acres and properties must be adjacent or contiguous to an adjacent property or designated by the AFD as significant to be included.

Mr. Sandy also stated that the sliding scale assessment in Loudon County appears to be something that the General Assembly has enabled localities to do.

Mr. Politis stated that soil class is tied to use value for taxation purposes.

Mr. Bland agreed that soil class is tied to use value. If an incentive were offered for AFD properties it could be tied to use value but it will need to be determined how the incentives would be approached.

Mr. Boucher suggested there could be an option for an 8 year or 16 year commitment.

Mr. Bland stated that there are some eye opening issues in terms of fees associated with a tax incentive program similar to what the committee was discussing. To be able to administer this type of program would be more costly. Mr. Bland stated that he was researching other localities to find out how they administer their programs.

Mr. Styne stated the Loudon County wasn't necessarily an example to copy, because of the urbanization of Loudon County.

Mr. Bland agreed that Loudon County may not be a locality to replicate; however they do have the highest level of conservation easements in the state. Mr. Bland stated that programs such as land use may have been developed for counties such as Loudon and Henrico because of the intense development pressures that they were facing.

Mr. Styne replied that perhaps the development pressures were the driving force behind the conservation easements.

Mr. Bland stated that in highly urbanized localities if an agricultural property abuts a developed parcel the owner wouldn't be likely to place their property into a program because of the roll back requirements.

Mr. Sandy stated that staff will continue to research this possibility and hopefully get some information back to the committee in the coming months. Because it appears that these programs are enabled, but not widely used, staff will need to consult with the County Attorney further to determine what is involved in starting such a program.

Mr. Boucher stated that it was a good idea to research the possibilities thoroughly so as not to create a large set of administrative issues. He would be in favor of a streamlined process, perhaps where the Commissioner and Planning staffs could work together.

Mr. Greg Miller stated he would be interested to find out what percentage of properties this would affect, to determine what affect this could have on the County's budget process.

Mr. Politis stated that the County saves money on agricultural parcels because they require fewer public services.

Mr. Gregory Miller stated that it would be good to know the effect that this could have on the County's bottom line for budgetary purposes.

Mr. Politis stated that the board recently had a visioning session to discuss goals for the County and the board expressed their desire to preserve agricultural lands.

Mr. Sandy stated that the incentive would be determined by what level of discount the board is comfortable with instituting.

Mr. Bland stated that the current land use rate is 99%.

Mr. Politis stated that the incentive might be a lesser rate than land use.

Mr. Sandy stated that there are two things to consider one being whether or not the board is interested and what rate they are comfortable with instituting.

Mr. Boucher stated that he felt the AFD districts create of neighborhood of local economies. He further stated that keeping the cores and agricultural districts will hopefully decrease infrastructure costs to the county and enhance the goals in the comprehensive plan.

Mr. Sandy stated that the committee would reconvene to discuss tax incentives when more information is available.

Mr. McElfresh made a motion to approve renewal of the proposed revised districts as well as the outliers that were identified by staff.

Mr. Politis seconded the motion.

Mr. Styne asked how outlying properties were dealt with in the past.

Mr. Sandy replied that they were not specifically addressed, but were still included. Mr. Sandy further explained that with newer GIS information it is easier to identify the outlying parcels and show the buffer areas.

The motion made by Mr. McElfresh carried unanimously.

Mr. Sandy stated that staff would work on gathering information regarding the tax issue and schedule another meeting of the committee in the next few months.

Mr. Boucher inquired about a wind ordinance for the County.

Mr. Sandy stated that there is a draft of a wind ordinance and it is currently under review by the County Attorney. Mr. Sandy stated that staff would bring information on a wind ordinance at the next meeting.

There being no further business, the meeting was adjourned at 3:04 pm.

MEMORANDUM

TO: Planning Commission

FROM: Planning Staff

DATE: September 6, 2012

RE: **Agricultural & Forestal District #4 (Silver Lake Rd.) Renewal**

I. General Purpose

Agricultural & Forestal Districts (AFD's) are rural areas reserved for the production of agricultural products and timber as important economic and environmental resources. They are established according to state guidelines at the initiative of individual landowners and the approval of the Board of Supervisors. Participating landowners relinquish some development rights, for a period of eight years, in return for increased protection and possible real estate tax benefits. All residents benefit from good stewardship of the land and from the reduced demand to extend urban public services into rural areas of the County.

II. Background- District #4 (Silver Lake Rd.)

AFD 4 is generally located to the west of the Town of Christiansburg, and is in the vicinity of Silver Lake Road (Route 661). The district was originally established in October of 1980 and was last renewed by ordinance adoption in 2004. This district is currently under review for another eight year term. Currently, AFD 4 consists of eight (8) property owners and approximately 869.8 acres.

III. Analysis

During the district renewal and review process, staff spoke to the AFD committee about section § 15.2-4305 of the Code of Virginia. This section of the code, which governs the eligibility of parcels in AFD districts states:

Each district shall have a core of no less than 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one mile of the boundary of

the core, (ii) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core, or (iii) if the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land.

Staff and the AFD committee reviewed the previous boundaries and buffer areas associated with AFD 5, and found that there were parcels which fell outside of the above referenced one mile boundary, and were not contiguous to a parcel in the district, with the nearest boundary not being within one mile of the boundary of the core.

Therefore, the committee determined that it would be prudent to revise the current district boundaries for AFD 5 to address some of the properties that fall outside of the buffer area. The committee determined that some of these properties that fall outside the buffer area should be transferred to a nearby AFD, such as Silver Lake Rd. (AFD 4) or Little River (AFD 3). Approximately 634 acres are proposed to be transferred from AFD 5 to AFD 4 for the upcoming renewal period. This revision of district lines addresses some of the properties that are not within one mile of the boundary or contiguous to a parcel within one mile of the boundary of a core. However, there will still be some parcels that do not fall within the buffer area. These parcels have been identified as 'outliers' (denoted in "Table A") and may be included in the district if they are found to have agriculturally and/or forestall significance, per the Code of Virginia.

"Table A", shown below provides a complete listing of the property owners and corresponding acreages that are proposed for inclusion in AFD 4 for the upcoming eight year term (2012-2020). Those properties that are outside the buffer area which may be determined to be of agricultural and/or forestall significance are designated on the table as "outlier parcels". As previously mentioned, per section § 15.2-4305 of the Code of Virginia, "outlier parcels" may be included for their agricultural and forestall significance.

With the proposed renewals and transfers the Silver Lake Rd. (District 4) district would contain a total of 1504 acres, and would consist of 24 parcels in the upcoming eight year period (2012-2020).

IV. Agricultural and Forestal Advisory Committee Recommendation

On a motion by Mr. McElfresh, seconded by Mr. Politis, and carried unanimously (Pack absent) the AFD advisory committee voted to recommend **approval** of the revised renewal, and transfer of the parcels in "Table A" shown below for a period of eight years. The committee further recommended that the "outlier parcels", also shown in "Table A" are specifically included in AFD 4 (Silver Lake Rd.), per section § 15.2-4305 of the Code of Virginia, for their agricultural and forestall significance to Montgomery County. Furthermore, these parcels were also determined to be in areas designated in

the Montgomery County Comprehensive Plan as Resource Stewardship or Rural on the future land use map. Therefore, the total acreage to be included in AFD 4 (Silver Lake Rd.) for the upcoming eight year term would be 1504 acres (269 acres being outlying parcels) involving 24 parcels.

V. Action by Planning Commission

The Planning Commission is responsible for reviewing the AFD Advisory Committee recommendation for renewal of the district, conducting a public hearing, and then making a Commission recommendation to the Board of Supervisors. Planning Staff recommends that the Planning Commission accept the AFD Advisory Committee’s recommendation and forward it on to the Board of Supervisors. The Board of Supervisors is scheduled to hold a public hearing on the renewals on September 24th and take official action at their October 8, 2012 meeting.

TABLE A: PROPERTIES TO BE INCLUDED IN AFD 4 (2012-2020)

PARCEL_ID	OWNER	ACRES	STATUS	OUTLIER
003388, 130056, 130057	CHILDRESS FARMS INC	472.56	AFD 4 Renewal	NO
021935	FLOYD CHILDRESS JR	7.214	AFD 4 Renewal	NO
003423, 003425	WILLIAM CHRISMAN	130.50	AFD 4 Renewal	NO
032136	CURTIS CROCKETT	36.571	AFD 4 Renewal	NO
004337	LINDA CROCKETT	95.4604	AFD 4 Renewal	NO
011704	TODD LINKOUS	14.228	AFD 4 Renewal	NO
011082	TODD AND CHELISTA LINKOUS	0.46	AFD 4 Renewal	NO
032135	PHILLIP NOLEN ET AL	112.84	AFD 4 Renewal	NO
001423	MCPEAKE WILLIAM D	131	AFD 5 to AFD 4	YES
001424	MCPEAKE WILLIAM D	64	AFD 5 to AFD 4	YES
003342	CHARLTON JAMES	72.87	AFD 5 to AFD 4	NO
004387	CROMER ARCHIE E JR	9.182	AFD 5 to AFD 4	NO
014003	PAGE JAMES C	25.96	AFD 5 to AFD 4	NO
019286	PAGE GRAYSON FRANKLIN	67.63	AFD 5 to AFD 4	NO
021644	YOUNG DELLAS A & JANIS C LE	65.68	AFD 5 to AFD 4	YES
021645	YOUNG DELLAS A & JANIS C LE	8.37	AFD 5 to AFD 4	YES
021936	CROMER ARCHIE E JR & RUTH C	10.2	AFD 5 to AFD 4	NO

AFD 4 Renewal

	LE			
021937	CROMER CHARLTON A	16.635	AFD 5 to AFD 4	NO
023766	PAGE JAMES CASTLE	111.117	AFD 5 to AFD 4	NO
150537	CROMER CHARLTON A	45.795	AFD 5 to AFD 4	NO
160321	CROMER CHARLTON A	5.868	AFD 5 to AFD 4	NO
Total Acreage (Renewals, Transfers, and Outlying Properties) for 2012-2020 term			1504 acres	

Enclosures: Map of AFD #4-Revised August 6, 2012

MEMORANDUM

TO: Planning Commission

FROM: Planning Staff

DATE: September 6, 2012

RE: **Agricultural & Forestal District #5 (Riner) Renewal**

I. General Purpose

Agricultural & Forestal Districts (AFD's) are rural areas reserved for the production of agricultural products and timber as important economic and environmental resources. They are established according to state guidelines at the initiative of individual landowners and the approval of the Board of Supervisors. Participating landowners relinquish some development rights, for a period of eight years, in return for increased protection and possible real estate tax benefits. All residents benefit from good stewardship of the land and from the reduced demand to extend urban public services into rural areas of the County.

II. Background – District #5 (Riner)

AFD 5 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). The district was originally established in October of 1980 and was last renewed by ordinance adoption in 2004. This district is currently under review for another eight year term. Currently, AFD 5 consists of 70 property owners and approximately 7623.63 acres.

Seven (7) property owners are proposing additions to the AFD 5 district for the upcoming term. These seven (7) proposed additions would add approximately 1002 acres to the district. Ten (10) property owners are proposing withdrawals of their property from AFD 5 for the upcoming term; these ten (10) proposed withdrawals would remove approximately 1026.225 acres from AFD 5 (Riner).

III. Analysis

During the district renewal and review process, staff spoke to the AFD committee about section § 15.2-4305 of the Code of Virginia. This section of the code, which governs the eligibility of parcels in AFD districts states:

AFD 5 Renewal

Each district shall have a core of no less than 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one mile of the boundary of the core, (ii) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core, or (iii) if the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land.

Staff and the AFD committee reviewed the previous boundaries and buffer areas associated with AFD 5, and found that there were parcels which fell outside of the above referenced one mile boundary, and were not contiguous to a parcel in the district, with the nearest boundary not being within one mile of the boundary of the core.

Therefore, the committee determined that it would be prudent to revise the current district boundaries for AFD 5 to address some of the properties that fall outside of the buffer area. The committee determined that some of these properties that fall outside the buffer area should be transferred to a nearby AFD, such as Silver Lake Rd. (AFD 4) or Little River (AFD 3). Approximately 1,000 acres are proposed to be transferred from AFD 5 to AFD 3 and 4 for the upcoming renewal period. This revision of district lines addresses some of the properties that are not within one mile of the boundary or contiguous to a parcel within one mile of the boundary of a core. However, there will still be some parcels that do not fall within the buffer area. These parcels have been identified as 'outliers' (denoted in "Table A") and may be included in the district if they are found to have agriculturally and/or forestall significance, per the Code of Virginia.

"Table A", shown below provides a complete listing of the property owners and corresponding acreages that are proposed for inclusion in AFD 5 for the upcoming eight year term (2012-2020). Those properties that are outside the buffer area which may be determined to be of agricultural and/or forestall significance are designated on the table as "outlier parcels". As previously mentioned, per section § 15.2-4305 of the Code of Virginia, "outlier parcels" may be included for their agricultural and forestall significance.

With the proposed additions, withdrawals, and transfers from AFD 5 to Little River (AFD 3) and Silver Lake Rd. (AFD 4), the district would contain a total of 6599.40 acres, and would consist of 87 parcels in the upcoming eight year period (2012-2020).

IV. Agricultural and Forestal Advisory Committee Recommendation

On a motion by Mr. McElfresh, seconded by Mr. Politis, and carried unanimously (Pack absent) the AFD advisory committee voted to recommend approval of the revised renewal and additions of the parcels in shown in "Table A" below for a period of eight years. Planning Staff further recommends that the "outlier parcels", shown in "Table A" be included in AFD 5 (Riner), per section § 15.2-4305 of the Code of Virginia, for their agricultural and forestall significance to Montgomery County. Furthermore, these parcels were also determined to be in areas designated in the Montgomery County Comprehensive Plan as Resource Stewardship or Rural on the future land use map. Therefore, the total acreage to be included in AFD 5 (Riner) for the upcoming eight year term would be 6599.40 acres (1257.45 acres being outlying parcels) involving 87 parcels.

V. Action by Planning Commission

The Planning Commission is responsible for reviewing the AFD Advisory Committee recommendation for renewal of the district, conducting a public hearing, and then making a recommendation to the Board of Supervisors. Planning Staff recommends that the Planning Commission accept the AFD Advisory Committee's recommendation and forward it on to the Board of Supervisors. The Board of Supervisors is scheduled to hold a public hearing on the renewals on September 24th and take official action at their October 8, 2012 meeting.

TABLE A: AFD 5 PROPERTY OWNERS AND ACREAGES (2012-2020)

PARCEL	OWNER(S)	ACRES	NOTES	OUTLIER
000603	ALLEY RICHARD S & ALLEY ALICE H	8.2009	Renewal	NO
007821	ARMISTEAD JEFFERSON D & ARMISTEAD ANNE	31.042	Renewal	NO
100452	BAKER EDWARD A & BAKER JUDITH	148.8269	Renewal	NO
000591	BAKER EDWARD A & BAKER JUDITH	34.5	Addition	NO
001664	BISHOP MICHAEL DAVID	10.4	Renewal	NO
001665	BISHOP MICHAEL DAVID	50.5	Renewal	NO
001733	BISHOP MICHAEL DAVID	137.25	Renewal	NO
031122	BISHOP MICHAEL DAVID	57.804	Renewal	NO
032307	BISHOP MICHAEL DAVID	29.25	Renewal	NO
140389	BOWMAN DARRELL S & BOWMAN KAREN E	26.703	Renewal	NO
140390	BOWMAN ROBERT R & BOWMAN JUDY N	17	Renewal	NO
019798	BOWMAN ROBERT R & BOWMAN JUDY N	144.31	Addition	NO
013594	BURKE ALLAN C & BURKE SHERRY B	0.096	Renewal	NO
006283	BURKE ALLAN C & BURKE SHERRY B	29.384	Addition	NO
140087	CHANDLER LARRY SCOTT	23.8	Renewal	NO
140089	CHESSER CLARKE BRENDA & CLARKE JAMES W	24.237	Renewal	NO
021661	COX WILBERT W & COX DONALD J	65.975	Renewal	NO
130788	FEATHER J F C/O ALLAN C BURKE	0.5	Renewal	NO
018268	FIVE POINTS LIMITED PARTNERSHIP	8	Renewal	NO
018275	FIVE POINTS LIMITED PARTNERSHIP	71.578	Renewal	NO
007866	GEORGE B HALL FARM LLC	106	Renewal	NO
007867	GEORGE B HALL FARM LLC	46	Renewal	NO
007870	GEORGE B HALL FARM LLC	154.548	Renewal	NO

AFD 5 Renewal

015608	GREEAR JOHN DARIN & GREEAR TABITHA DAWN	1.297	Renewal	NO
140571	GREEAR JOHN DARIN & GREEAR TABITHA DAWN	112.51	Renewal	NO
007517, 150100	GREEAR JOHN DARIN & GREEAR TABITHA DAWN	333.3429	Addition	NO
140085	HALE DWAYNE D & HALE SHERRY S	21.506	Renewal	NO
014290	HALE GREGORY C & HALE SUSAN D	93.671	Renewal	NO
016996	HALL LINDA ALICE & C/O LINDA H KEITH	15	Renewal	NO
016999	HALL LINDA ALICE & C/O LINDA H KEITH	55.081	Renewal	NO
009458	HYLTON ELIZABETH AFTON	243.08	Renewal	NO
130222	HYLTON KENNETH RAY	72.7	Renewal	NO
140161	JANICE H MILESKI REV TRUST C/O JANICE H MILESKI TRUSTEE	13.423	Renewal	NO
140086	KEMP BARRY C	21.686	Renewal	NO
031664	KENLEY MICHAEL C & KENLEY KATHRYN P	6.0998	Renewal	YES
031039	KITTINGER DAVID T	156.212	Renewal	NO
009078	KITTINGER DAVID T	6.9824	Addition	NO
003305	LAYNE DANNY T & LAYNE DONNA B	71.844	Renewal	YES
011544	LUCAS GEORGE K ETAL	452.08	Renewal	NO
030710	LUCAS GEORGE K	5.22	Renewal	NO
130786	MCCLELLAN PHILLIP W & MILLER-MCCLELLAN JENNIFER L	53.7438	Renewal	NO
012728	MILLER ROBERT K & MILLER SUSAN M	136.42	Renewal	YES
019111	MILLER ROBERT K	79.457	Addition	NO
018589	MILTON JULIA S	259	Renewal	NO
018597	MILTON JULIA S	552.5	Renewal	NO
160253	MITCHAM JOSHUA ALLAN & MITCHAM KIMBERLY M	4.3386	Renewal	YES
012839	MITCHELL ROBERT DRAYTON & MITCHELL AMELIE EWBANK	22.5	Renewal	NO
012840	MITCHELL ROBERT DRAYTON & MITCHELL AMELIE EWBANK	211.3514	Renewal	YES
027600	MITCHELL ROBERT DRAYTON & MELISSA RICE	9	Renewal	YES
025434	NORTH BRYCE EDWARD C/O MARY NORTH	50	Renewal	NO

AFD 5 Renewal

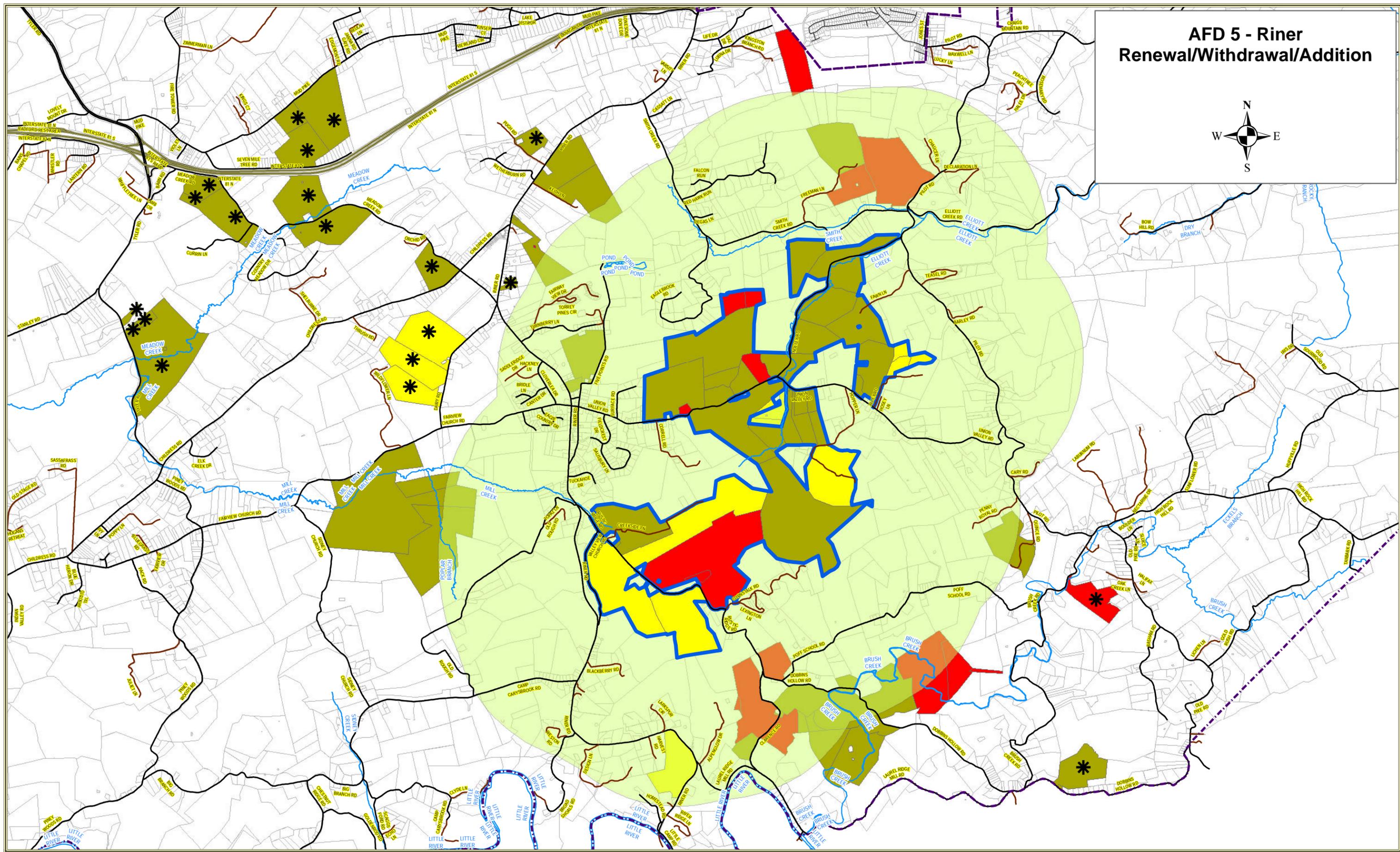
013626	NORTH MARY HAYNE BALDWIN	35	Renewal	NO
016997	NORTH MARY HAYNE BALDWIN	47.972	Renewal	NO
003413	PAYNE JON MICHAEL	141.34	Renewal	NO
014141	PAYNE JON MICHAEL	9.45	Renewal	NO
014143	PAYNE JON MICHAEL	34	Renewal	NO
010170	PHILLIP EDWIN KEITH REV TR C/O CHILDRESS FARMS	94.589	Renewal	NO
014354	PHILLIPS FAMILY TRUST KENNETH W PHILLIPS TRUSTEE	53.893	Renewal	NO
014449	PHILLIPS OSCAR E C/O BURNITA P DAILEY	67.4	Renewal	YES
014448	PHILLIPS OSCAR E HEIRS C/O BURNITA P DAILEY	172.148	Renewal	YES
014434, 014435, 029927	PHILLIPS, ROBERT A.	374.05	Addition	YES
013598	PILAND GLAZIER B & PILAND CAROL S	10.561	Renewal	NO
010171	POFF KAREN KEITH C/O CHILDRESS FARMS	77.78	Renewal	NO
012633	PRILLAMAN SANDRA M CARMAN MILES STEELE	126.174	Renewal	NO
016402	PRILLAMAN SANDRA M ETAL	172.91	Renewal	NO
010157	QUESENBERRY FRANK E & QUESENBERRY LINDA G	24.923	Renewal	YES
019036	QUINCE FARM LLC C/O ROBERT L PRICE	81.088	Renewal	NO
016993	REED JOSEPH D & REED DEBORA S	2	Renewal	NO
016994	REED JOSEPH D & REED DEBORA S	1	Renewal	NO
016995	REED JOSEPH D & REED DEBORA S	19	Renewal	NO
016998	REED JOSEPH D & REED DEBORA S	69.304	Renewal	NO
006928	ROBINSON DONALD R & ROBINSON DONALD R JR	69.905	Renewal	NO
130787	ROBINSON DONALD R & ROBINSON DONALD R JR	47.1626	Renewal	NO
013599	SCHOLD S CLIFFORD JR & AMMIRATA SHEREE B	60.4831	Renewal	NO
017022	SHELTON JAMES R	148.083	Renewal	NO
021961	SHELTON JAMES ROBERT	1.78	Renewal	NO
130909	ST MARY INVESTMENTS LLC	23.4239	Renewal	NO

AFD 5 Renewal

140132	ST MARY INVESTMENTS LLC	53.7249	Renewal	NO
000723	TEANY LAURA ELLEN C/O LAURA TEANY LEHMANN	51.12	Renewal	YES
019104	TEANY LAURA ELLEN C/O LAURA TEANY LEHMANN	111.462	Renewal	YES
019107	TEANY LAURA ELLEN C/O LAURA TEANY LEHMANN	6.3	Renewal	YES
019407	TIELEMAN HENRY W & TIELEMAN FRANCES E	11	Renewal	YES
019408	TIELEMAN HENRY W & TIELEMAN FRANCES E	62	Renewal	NO
013596	WINTERS LIVING TRUST C/O RAYMOND E JR & ANN S WINTERS TRS	25	Renewal	NO
013597	WINTERS LIVING TRUST C/O RAYMOND E WINTERS JR ETAL TRS	27.389	Renewal	NO
TOTAL ACREAGE FOR 2012-2020 (RENEWALS, ADDITIONS, AND OUTLYING PARCELS)		6599.40 acres		

Enclosures: Map of AFD #5-Revised September 6, 2012

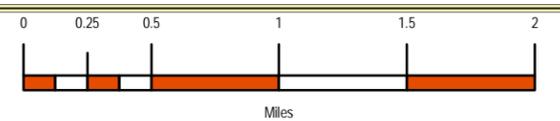
AFD 5 - Riner Renewal/Withdrawal/Addition



Map Prepared by Montgomery County, Va
 Planning and GIS Services, 7/26/2012
 (Revised: 8/6/2012 / 8/22/2012 / 9/06/12)

Legend

- Addition
- Renewal
- Withdrawal
- AFD5 Core
- Buffer of AFD 5
- * Outlying





MONTGOMERY COUNTY DEPARTMENT OF PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Montgomery County Planning Commission

FROM: Planning Staff

DATE: September 5, 2012

SUBJ: ZONING ORDINANCE AMENDMENTS

RESIDENTIAL CHICKENS

Staff has received several inquiries within the past few months regarding the keeping of chickens on properties located within the residential zoning districts. Currently, Montgomery County Code does not allow the keeping of chickens in residential areas. In speaking with our counterparts in nearby counties and towns, we have learned that some of our neighbors have approved zoning ordinance amendments to allow "residential chickens" or "urban chickens". Normally there are several restrictions upon the keeping of the chickens as seen in the attached information collected.

The Planning staff has drafted amendments and would like to have your thoughts as we discuss the matter of "residential chickens" during the meeting on September 12th.

DJ

Enclosure(s)

Sec. 10-41. - Supplemental district regulations

(18) *Farm enterprises.* Farm enterprises, as defined in Article VI of this chapter, are permitted in the A-1 Agriculture District subject to the following requirements:

- (a) The gross floor area of any structure(s) devoted to the farm enterprise use shall not exceed two thousand (2,000) square feet.
- (b) In addition to family members residing on the farm or the farm operators, up to two (2) nonresident, nonfamily employees (equivalent to two (2) full-time workers at forty (40) hours per week) are permitted to be engaged in the enterprise on an annual basis.
- (c) Structures and parking areas shall be located at least one hundred (100) feet from any residential zoning district and adjacent dwellings, other than the owner's dwelling.
- (d) At least thirty (30) percent by retail value of the products sold from the farm enterprise on an annual basis shall have been grown or produced on the farm.
- (e) Hours of operation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- (f) One sign shall be permitted and shall be non-illuminated and not exceed twenty (20) square feet in area.
- (g) The enterprise shall have at least forty (40) feet of frontage on at least one public road. In cases where the proposed farm enterprise does not meet the minimum road frontage, the board of zoning appeals may grant a special use permit for such a use provided all parties with interest in any private access easement used to serve the farm enterprise have received notification of the request.

(19) *Urban Agriculture.*

(a) *Residential Chicken Keeping as defined in Article VI of this chapter, are permitted in the Residential (R-1), (R-2), and (R-2) zoning districts subject to the following requirements:*

- 1. *The owner of the chickens must reside on the property on which the chickens are kept. The keeping of roosters, capons, and crowing hens is prohibited.*
- 2. *Chickens shall be kept within a predator-resistant coop or chicken enclosure and shall not be allowed to roam free.*
- 3. *Coops and chicken enclosures shall be located in the rear yard only and shall be setback at least 25 feet from side and rear property lines. Portable Coops shall be moved on a regular basis and shall be setback 20 feet from side and rear property lines.*
- 4. *Coops shall provide at least two (2) square feet of interior space per chicken and chicken enclosures shall provide at least (8) square feet of exterior space per chicken with a maximum total area of 128 square feet. Neither the coop nor the enclosure shall exceed ten (10) feet in height.*
- 5. *Coops and chicken enclosures shall be well-ventilated and kept in a clean, dry, and sanitary condition at all times.*

6. Chickens shall be kept for the household's personal consumption only. On-site commercial uses such as selling eggs or chickens for meat shall be prohibited.

7. Provision shall be made for the storage and removal of chicken waste (manure). Such waste shall not create a nuisance or health hazard to adjoining property owners.

8. All feed or other materials intended for consumption by chickens shall be kept in containers impenetrable by rodents, insects, or predators.

9. A zoning permit shall be obtained by the owner of the chickens.

Sec. 10-61. – Definitions

Repair shop: A building or portion thereof, other than a private garage, designed or used for servicing and repairing automobiles, light trucks and lawn equipment, as a business enterprise, and which may include auto body repair (also refer to "Garage, public").

Required open space: Any space required in any front, side or rear yard (also see "Green space").

Residential Chicken Keeping: The keeping of up to six (6) female chickens (hens) in non-agriculturally zoned areas as an accessory use to a single family residence subject to the standards set out in Section 10-41(19).

Restaurant: A structure, or any part thereof, in which food or beverages are prepared and dispensed for consumption at the time of sale. May include one (1) or more of the following:

Restaurant, full-service: A restaurant with table service (order placement and delivery on-site) provided to patrons, also including cafeterias; carry-out service, if any, shall be a limited portion of the facility and activity.

Restaurant, limited-service: A restaurant without table service provided to patrons; walk-up counter and carryout trade is a primary portion of the facility; includes fast-food, food delivery, carryout, public snack bars and delicatessens, but not specialty food stores.

Chicken Ordinances: Comparison Table

Locality	Minimum Lot Size	Number of Chickens	Setback Requirements	Permit or Inspection
City of Roanoke	None	< 20,000 square feet, no more than 10 poultry birds	50 feet from any house or other building used for residential purposes by anyone other than the person maintaining poultry	None
		No more than 40 on any parcel not zoned for agricultural use or farm 5 acres or greater in size		
City of Salem	0.25 Acre	Maximum 6 chickens; no rooster	5 feet from property line	\$25 annual permit
			50 feet from adjacent principal structure	
			Maximum coop size of 128 square feet	
Town of Vinton	1.0 Acre	Maximum 6 chickens; no rooster	Permanent Coops - 25 feet from property line; 50 feet from adjacent residential dwelling	\$25 annual fee and inspection
			Movable Coops - 20 feet from property line; 25 feet from adjacent residential dwelling	
			Maximum coop size of 64 square feet	
Roanoke County	None	Maximum 6 chickens; no rooster	10 feet from side and rear property lines;	Zoning permit - no fee
			35 feet from any residential dwelling on an adjacent lot	
			Maximum height of 10 feet; Maximum area of 150 square feet	



MONTGOMERY COUNTY DEPARTMENT OF PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Montgomery County Planning Commission

FROM: Brea Hopkins, Planning & Zoning Technician

DATE: September 5, 2012

SUBJ: ZONING ORDINANCE AMENDMENTS

While requesting comments regarding previous amendments to Section 10-44 (Off-Street Parking and Loading), a local engineer requested that we review the additional zoning ordinance revisions. The following are sections of the ordinance with the engineer's comments italicized:

10-44(2)(f) Additional requirements. There shall be the following additional requirements for parking lots with ten (10) or more parking spaces:

1. Marking. Parking spaces in lots of ten (10) or more spaces shall be delineated by painted lines, curbs, bumper blocks, vertical lines on continuous curbing or other appropriate means of marking.
2. 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 by Tom Roberts, PE: "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.
3. 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 by Tom Roberts: 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."
4. Minimum size of all parking and maneuvering space. All individual parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet. The minimum aisle space for ninety-degree parking shall be twenty-four (24) feet in width. The minimum aisle space for sixty-degree parking shall be twenty-three (23) feet in width. The minimum aisle space for thirty-degree

parking shall be seventeen (17) feet in width. For any parking area in which the degree of angular parking varies from the specifications above, the aisle width shall be calculated by using a ratio of the above specifications; however, in no case shall the aisle width be less than sixteen (16) feet.

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

5. Landscaping. Parking areas shall be landscaped according to the provisions of [section 10-43](#)

These items will be discussed during work session to determine if the Commission would like to proceed with possible zoning ordinance amendments to address any of the suggested changes. If anyone has information you would like to share regarding any of these topics, please contact me prior to our meeting on September 12, 2012.