

**MONTGOMERY COUNTY PLANNING COMMISSION**  
**September 7, 2011 @ 7:00 P.M.**  
**Board Room, Government Center**

**A G E N D A**

**CALL TO ORDER:**

**DETERMINATION OF A QUORUM:**

**APPROVAL OF AGENDA:**

**APPROVAL OF CONSENT AGENDA:**

**PUBLIC ADDRESS:**

**OLD BUSINESS:**

- Hairston/May Subdivision Variance Request (Jamie MacLean)

**NEW BUSINESS:**

**WORKSESSION:**

- Lafayette Area Plan (Steve Sandy)
- Ordinance Amendment-Small Wind Energy System (Brea Hopkins)

**LIAISON REPORTS:**

- Board of Supervisors- John Muffo
- Agriculture & Forestal District- Bob Miller
- Blacksburg Planning Commission – Frank Lau
- Christiansburg Planning Commission – Bryan Rice
- Economic Development Committee- John Tuttle
- Public Service Authority – Malvin Wells
- Parks & Recreation- Walt Haynes
- Radford Planning Commission- Bob Miller
- School Board- Bill Seitz
- Transportation Safety Committee- Malvin Wells
- Planning Director’s Report- Steven Sandy

**MEETING ADJOURNED:**

**UPCOMING MEETINGS:**

- |           |          |   |
|-----------|----------|---|
| September | 21, 2011 | Planning Commission Regular Meeting (CANCELLED)   |
| October   | 12, 2011 | Planning Commission Regular Meeting (7:00 pm)   |
| October   | 19, 2011 | Planning Commission Site Visits (To be determined)<br>Planning Commission Regular Meeting (7:00 pm) |

**MONTGOMERY COUNTY PLANNING COMMISSION  
CONSENT AGENDA  
September 14, 2011**

**A. APPROVAL OF MINUTES**

- May 11, 2011
- June 8, 2011

**ISSUE/PURPOSE:**

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

**B. SCHEDULE THE FOLLOWING ITEM FOR PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION ON OCTOBER 12, 2011 AND BOARD OF SUPERVISORS ON OCTOBER 24, 2011**

Renewal of Agricultural and Forestal District #1 (Prices Fork), #2 (Catawba) and #15 (Taylor Hollow) for another eight (8) year term. The renewal consists of a total of approximately 8,349 acres and 44 individual property owners. The districts are scheduled to expire December 31, 2011.

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, Donahue, 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 Traditional Neighborhood Development Infill (TND), and Planned Unit Development Traditional Neighborhood Development (PUD-TND). 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. In addition, the compact development option of the Residential (R2) and (R3) zoning districts are being revised to reflect traditional neighborhood design concepts.

Mr. Rice noted that the revisions to the compact option under R-2 states "streets shall parallel existing fence lines". This may not be possible in some situations.

Mr. Sandy stated the goal is to avoid the cul-de-sacs and promote more of a grid type network of streets. If the developer cannot or does not desire the grid network then a strict rezoning to Residential (R2). The wording could be revised to "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 stated the amendments had been discussed in length over the last months.

Mr. Wells made a motion, seconded by Mr. Donahue to recommend approval of 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 with amendment to include language that streets shall "generally parallel fence lines".

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

AYES: Rice, Thum, Donahue, Wells, Seitz, Lau, Tuttle

NAYES: None

ABSTAIN: None

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 in previous meetings. She reviewed two minor changes which had been made since the last meeting and discussion.

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

Mr. Thum made a motion, seconded by Mr. Lau to recommend approval of 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.

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

AYES: Rice, Thum, Donahue, Wells, Seitz, Lau, Tuttle

NAYES: None

ABSTAIN: None

## **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 placards for zoning requests; therefore, it will be up to staff to post the property. Everyone has acknowledged 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 and noted he preferred the generic version of the sign versus the writable message.

Mr. Lau stated he also preferred the generic information because specifying all the case information makes the sign not legible.

Mr. Donahue stated the signs are effective but the date and type of hearing needs to be stipulated.

Mr. Thum stated the date or time is not necessary other than for convenience. A generic sign would serve the purpose of notification.

Mr. Sandy noted the applicant could be charged for each sign as an alternative.

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

Mr. Sandy stated the preference is to have applicant buy the sign and then staff doesn't have to go back unless called because it is missing. The posting is not required by state code. The burden is placed on staff because applicants can't be required to install the placards. If the signs are smaller it would be possible to place 2 or 3 per property. The placards will also be double sided.

Mr. Wells noted he liked the option of the applicant purchasing the sign, staff posting the sign and documenting its placement with a photo. The applicant would then be responsible for removing the sign.

It was the consensus of the commission for staff to draft an ordinance amendment for an 18x24 sign printed with the date and generic information. The sign would be paid for by the applicant and posted by staff with photo documentation.

## **NEW BUSINESS:**

None

## **WORKSESSION:**

## **LIAISON REPORTS:**

- Board of Supervisors- Ms. Biggs reported the Huckleberry Ridge rezoning request was approved. The telecommunication tower near Brush Mountain Estates was denied because of its proposed location within residential transition area. The Board held a meeting with the school board to discuss capital needs and how to work together for better productivity.
- Agriculture & Forestal District- No report.
- Blacksburg Planning Commission –No report.

- Christiansburg Planning Commission – No report.
- Economic Development Committee- Mr. Tuttle stated Kevin Byrd spoke to the committee regarding the Planning District Commissions role in regional Economic development
- Public Service Authority – Mr. Wells reported that the water line in Elliston on the Old Roanoke Rd side was leaking 50,000 gallons per day. No signs of the leak could be detected; however, repairs will be necessary.
- Parks & Recreation- No report.
- Radford Planning Commission- No report.
- School Board- Mr. Seitz reported a contract to clear the Blacksburg Middle School site has been awarded and work has been started.
- Transportation Safety Committee- Mr. Wells reported that Georges Run Road had several slides recently.
- Planning Director's Report- Mr. Sandy stated a public hearing will be held regarding North Fork road improvements on May 19<sup>th</sup> from 5-7pm at the Elliston fire station. He noted the ordinance amendments discussed previously would not be forwarded to the Board of Supervisors until June due to a heavy schedule.

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

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON JUNE 8, 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  
Frank Lau, Member  
John Tuttle, Member  
Robert Miller, Member  
Walt Haynes, Vice-Chair  
John Muffo, Board of Supervisors Liaison  
Mary Biggs, Board of Supervisors Liaison Alternate  
Steve Sandy, Planning Director  
Dari Jenkins, Planning & Zoning Administrator  
Jamie MacLean, Development Planner  
Brea Hopkins, Planning & Zoning Technician

Absent: William Seitz, Member

**APPROVAL OF AGENDA:**

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

**CONSENT AGENDA:**

On a motion by Mr. Miller, seconded by Mr. Haynes, 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:**

Request by Randall W. Slusser and Virginia D. Slusser for a Special Use Permit on 5.023 acres in an Agriculture (A-1) zoning district to allow for one additional lot assignment than the total permitted by the sliding scale for the purpose of allowing a family subdivision. The property is located at 4840 Natures Way Road and is identified as Tax Parcel No. 19-3-12 (Acct # 016766) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

Mr. Rice introduced the request.

Mr. Sandy stated explained the request and reviewed the maps showing the location of the property. The property lies within an area designated as resource stewardship in the comprehensive plan. In 2003 the applicant divided a 23 acre parcel into two smaller tracts. He reviewed the parcel history since the original subdivision. The 5-acre parcel only has one lot assignment; therefore, it cannot be further subdivided. A land owner with several contiguous parcels can share lot assignments; however, that is not feasible. Not many of these requests have been made in the past. A few phone calls have been made regarding the request. One adjoining owner informed

staff there is a deed restriction that would prohibit the 5.023 acre parcel from being further subdivided. The county does not enforce private covenants; however, there is concern with approving something that is in contradiction to the covenants. The county attorney has agreed with that concern; therefore, staff is recommending denial.

Mr. Wells asked if there were other alternatives, such as removing the restriction from the deed.

Mr. Sandy stated he was unsure of the covenant policies for revising such restrictions.

Mr. Donahue stated the commission needs to support and respect deed restrictions. It would be appropriate for the owner to retract the request.

Mr. Rice opened the public hearing.

There being no comments, the public hearing was closed.

Mr. Thum stated the property is appropriate for the proposed division. The deed restriction is a private agreement and is not enforceable by the board. The request still cannot be approved until the deed is revised but the commission needs to consider the suitability of the request.

Mr. Lau stated it was not the responsibility of the commission to enforce subdivision covenants. The two are relevant; however, the homeowners should not use the county to enforce their rules.

Mr. Haynes noted the county attorney and staff is recommending denial. The commission needs to support their recommendation for legality reasons. It is up to the homeowner to change the covenants which were established for a reason.

Mr. Rice noted the applicant was allowed to request the SUP; however, no reason has been given to grant the request.

Mr. Thum stated the planning commission should not get into the habit of enforcing deed restrictions.

Mr. Thum made a motion, seconded by Mr. Wells to approve the SUP request with staff recommendations.

Mrs. Hopkins called the roll and the motion failed (5-3) with the following vote:

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

Mr. Thum made a motion, seconded by Mr. Haynes to deny the request by Randall W. Slusser and Virginia D. Slusser for a Special Use Permit on 5.023 acres in an Agriculture (A-1) zoning district to allow for one additional lot assignment than the total permitted by the sliding scale for the purpose of allowing a family subdivision.

Mrs. Hopkins called the roll and the motion carried (5-3) with the following vote:

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

An Ordinance Amending Chapter 10, Entitled Zoning, Sections 10-25, 10-26, 10-27, 10-33, 10-35 and 10-36 of the Code of the County of Montgomery, Virginia by Adding Land Located in the Urban Development Areas to the List of Qualifying Lands in the Residential R-2, R-3, RM-1 Districts, in the Planned Industrial (PIN), Planned Unit Development (PUD) and the Planned Mobile Home Residential Park (PMR) Districts and Section 10-61 of the Code of the County of Montgomery, Virginia, By Adding and/or Modifying the Definitions of the Following Terms: Alley, Financial Services, Green, Natural Area/Preserve, Park and Square/Plaza.

Mr. Rice introduced the request.

Mr. Sandy stated the ordinance amendments proposed are based on the Urban Development Area being a new designation in the comprehensive plan. The terminology used in the Traditional Neighborhood Districts also requires some definitions to be amended or added. He reviewed the definitions proposed.

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

Mr. Miller made a motion, seconded by Mr. Wells to recommend approval of An Ordinance Amending Chapter 10, Entitled Zoning, Sections 10-25, 10-26, 10-27, 10-33, 10-35 and 10-36 of the Code of the County of Montgomery, Virginia by Adding Land Located in the Urban Development Areas to the List of Qualifying Lands in the Residential R-2, R-3, RM-1 Districts, in the Planned Industrial (PIN), Planned Unit Development (PUD) and the Planned Mobile Home Residential Park (PMR) Districts and Section 10-61 of the Code of the County of Montgomery, Virginia, By Adding and/or Modifying the Definitions of the Following Terms: Alley, Financial Services, Green, Natural Area/Preserve, Park and Square/Plaza.

Mrs. Hopkins called the roll and the motion carried (8-0) with the following vote:

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

### **OLD BUSINESS:**

An ordinance amending Chapter 10, entitled Zoning, Section 10-52 (3) (b) of the Code of the County of Montgomery, Virginia, by deleting the requirement that a person applying to the Board of Supervisors, Planning Commission or Board of Zoning Appeals on a planning or zoning matter shall post a placard notice notifying the public of the place and time of a public hearing regarding the property.

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

Ms. Jenkins stated proposed amendments regarding the placard notice requirements have been drafted. The Code of VA does not allow the locality to require the applicant to post the placard. The proposed revisions to Section 10-52(3)(a) is based upon recommendations from the last meeting:

1. Posting of the required placard(s) by staff.
2. Posting to be completed no less than five (5) days prior to the first public hearing.
3. Staff documentation of the posted placard(s) by digital photograph.
4. Staff will attempt to reinstall the placard(s) if notified of a damaged or missing placard.
5. Staff to remove the placard(s) within 15 days following a decision regarding the application.

Mr. Thum asked if the applicant should be liable for removing the placard instead of staff.

Ms. Jenkins stated she was not sure that applicants could be required to remove the signs.

Mr. Haynes noted a refund could be given if the signs were returned to the Planning Department.

Mr. Rice stated the goal is to ensure the sign was placed on property and there were not legal issues with it being removed/destroyed.

Mr. Miller noted he did not like additional staff responsibilities and he would prefer that the Board consider fees to cover the cost of the placard notice. It should not be upon the tax payers to cover the costs of the placard and staff time for posting the property.

Mr. Sandy stated a separate amendment to the fee schedule would be required.

Mr. Miller made a motion, seconded by Mr. Wells to recommend approval of an ordinance amending Chapter 10, entitled Zoning, Section 10-52 (3) (b) of the Code of the County of Montgomery, Virginia, by deleting the requirement that a person applying to the Board of Supervisors, Planning Commission or Board of Zoning Appeals on a planning or zoning matter shall post a placard notice notifying the public of the place and time of a public hearing regarding the property.

Mrs. Hopkins called the roll and the motion carried (8-0) with the following vote:

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

## **NEW BUSINESS:**

### Walnut Creek "The Preserve at Walnut Creek Lots 36-48" Major Preliminary and Final Subdivision Approval

Mr. Sandy stated Walnut Creek was rezoned in 2005. "The Preserve at Walnut Creek Lots 36-48" Major Subdivision plat has been submitted for approval. It will include 13 lots. Staff reviewed the plat for compliance with proffers and subdivision ordinance. Approvals for erosion & sediment control, water & sewer, and VDOT have been received. The survey plat is ready for preliminary and final approval.

Mr. Wells made a motion, seconded by Mr. Thum to approve the Walnut Creek "The Preserve at Walnut Creek Lots 36-48" Major Preliminary and Final Subdivision Plat and authorize the Chairman of the Planning Commission to sign the survey plat.

Mrs. Hopkins called the roll and the motion carried (8-0) with the following vote:

AYES: Miller, Tuttle, Haynes, Rice, Donahue, Thum, Wells, Lau

NAYES: None

ABSTAIN: None

## **WORKSESSION:**

On a motion by Haynes, seconded by Mr. Miller and unanimously carried the Planning Commission entered into worksession

### Lafayette Area Plan

Mr. Sandy stated the Lafayette Route 11/460 Corridor Plan is the final small area plan that will be encompassed in the UDA grant application. A public meeting was held earlier in the day at the Elliston Fire Station with citizens to gather comments regarding the area. This area was chosen because of North Fork Road improvements, the future sale of Elliston Elementary, the possibility of the intermodal facility, and potential impacts from those developments. September 30th is the current deadline for completion.

Mr. Vlad Gavrilovic, Renaissance Planning, discussed goals to plan ahead by developing a long range plan for the corridor and how the plan would relate to other county plans such as, the village plan, and the VITL plan.

Mr. Bill Wuensch, EPR Transportation Engineer, discussed transportation opportunities and impacts. Various growth scenarios will be taken into consideration.

Mr. Milt Herd, Herd Planning, discussed existing conditions and issues facing the area such as the intermodal facility, roadway character, and future development.

Mr. Miller asked if pedestrian trails, especially near the railroad trestle, had been discussed in the public meetings.

Mr. Gavrilovic, stated the citizens indicated they did not want trails due to safety concerns with the railroad location. They felt it was not compatible with the industrial uses. They did express a need the greenway along the river to be maintained.

Mr. Herd noted citizens were concerned with the visual impacts of the intermodal facility and they would like buffers.

Mr. Lau noted that consideration needs to be given to bike and pedestrian trails because there will be more users as the cost of vehicular travel increases.

Mr. Gavrilovic stated he was in agreement with Mr. Lau and perhaps the plan could show that bikes, cars, and pedestrian traffic could co-exist safely.

Mr. Sandy also stated that the context of the comments against trails was because property owners were focusing on jobs in lieu of trails, and not necessarily that the trails were not a good idea. A trail along Route 460 could provide a way to connect the two valleys together. A greenway along the river could would serve more as a recreational purpose.

Mr. Wells said that currently the Lafayette area is not safe for bikes and pedestrians. However, perhaps people are focusing on what the area is currently and not what could be in the future. It can be made safe and the county should work toward that goal.

Mr. Gavrilovic stated that the desired uses for the area were grocery store, retail, and industrial. The public commented that the area would likely have more industrial uses even if the intermodal facility did not located there. There was not a lot of discussion of adding residential; other than adding more high quality, affordable housing.

Mr. Thum stated that it would be difficult to make the Lafayette area safe at the current speed limit. If the speed limit was reduced to 45 there would be a possibility to stop for pedestrian traffic safely.

Mr. Sandy stated citizens expressed a need for ball fields to be added to the park in that area of the county. There was also discussion about boat access at the fire station for kayaks and canoes.

The next planning commission meeting will be a joint meeting in Elliston at 6pm to further discuss the plan development.

On a motion by Mr. Haynes, seconded by Mr. Miller the planning commission closed the work session.

### **LIAISON REPORTS**

- Board of Supervisors- Mr. Muffo reported intermodal facility hearing has been put off until September.
- Agriculture & Forestal District- No report.
- Blacksburg Planning Commission – No report.
- Christiansburg Planning Commission – Mr. Rice reported a cell tower near the mall was approved.
- Economic Development Committee- No report.
- Public Service Authority – No report.
- Parks & Recreation- No report.
- Radford Planning Commission- Mr. Miller reported the new municipal building was completed.
- School Board- No report.
- Transportation Safety Committee- Mr. Wells stated no meeting had been held; however, it should be noted that the situation on Memorial Lane was handled well.
- Planning Director’s Report- Mr. Sandy reminded the commission that there will be no meeting the following week.

There being no further business the meeting was adjourned at 8:55 p.m.



MONTGOMERY COUNTY  
PLANNING & GIS SERVICES

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

**MEMORANDUM**

TO: Planning Commission

FROM: Planning Staff *JRM*

DATE: September 6, 2011

SUBJ: **2<sup>nd</sup> Staff Analysis-William Hairston & Keith May-Subdivision Variance Request**

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**I. Request**

William Hairston and Keith May (Agent: John Christman, LS) have requested a variance to section 8-152(bb)(3) of the Montgomery County Code, to allow the approval of a family subdivision which will result in a private access easements serving three (3) or more lots or tracts. The applicant is requesting the approval of the family subdivision without the required review and signature by the Virginia Department of Transportation (VDOT) prior to the approval of the final plat. The property is located on Hawley Rd. (private) accessed from Walton Rd. (Route 663) and is identified as Tax Parcel No. 90-A-88 (Account #079985), in the Riner Magisterial District.

**II. Analysis**

This second staff analysis is intended to address changes that have occurred concerning the above application since the first staff analysis dated August 3, 2011 and the Planning Commission action to table the request on August 10, 2011. Please refer to first staff analysis for additional background information.

The first staff analysis for this project recommended tabling the request in order to allow Montgomery County and the Virginia Department of Transportation (VDOT) representatives to meet and discuss how best to proceed with subdivision review of family

and minor subdivisions which would result in the creation of a new lot(s) on an existing private access easement serving a total of three (3) or more lots.

After several conversations with VDOT representatives from the Salem District Office it has been determined that Montgomery County Planning Staff will continue to send plats with three (3) or more residences on a private street to the local VDOT Office for review and signature. If VDOT representatives have specific comments or concerns about signing a particular plat they will schedule a meeting with Montgomery County Planning Staff to determine best approach to that particular plat.

Therefore, the commission must decide whether or not to authorize a variance to section 8-152(bb)(3) of the Montgomery County Code, which states "any plat showing a private access easements serving three (3) or more lots or tracts shall be reviewed and signed, by the Virginia Department of Transportation prior to the approval of the final plat".

The applicants have identified the following issues as justification for the requested variance:

1. The owners have incurred expenses to work towards development of their property, and the denial of the proposed variance would yield a hardship.
2. Hawley Rd. has been in existence for decades and has serviced the existing lots; the applicants believe it is unjust to preclude further subdivision on a new 40' right-of-way.
3. The applicants believe that the variance and subsequent division will not be of substantial detriment to adjacent property.
4. The applicants believe that the variance and subsequent division will not be detrimental to public health, safety, welfare.
5. The applicants believe that this hardship is not self-inflicted. The application materials state that the agent spoke with County Planning Staff prior to pursuing this subdivision on behalf of his clients.
6. The applicants believe that this variance and division will not compromise the intent of the ordinance should apply only to *new* access easements serving a total of three (3) or more lots.

The Planning Commission and Board of Supervisors may authorize a variance to section 8-152(bb)(3) according to section 8-115 of the Montgomery County Code in cases where it is determined that:

1. Strict adherence to the provisions of this article would result in substantial hardship or injustice;
2. The authorization of the variance will not be of substantial detriment to adjacent or nearby property;

3. The authorization of the variance will not be detrimental to the public health, safety, or welfare;
4. The hardship is not self-inflicted; and
5. The variance will not substantially compromise the intent of this article. Any variance authorized by the Board of Supervisors will be recorded in the minutes of the board together with an explanation of the reasons for granting the variance.

Furthermore, when deciding whether or not to grant variances, the Board of Supervisors may impose conditions in order to protect public welfare or to help achieve the intent of the ordinance.

The applicant and agent have stated that this hardship is not self-inflicted due to the fact that they spoke with Planning Staff during the summer of 2010 prior to moving forward with the proposed division. However, the plat was not received for review until May 27, 2011, after the subdivision amendments were approved on April 11, 2011.

Additionally, Planning Staff took every opportunity to inform the surveying and engineering community about the proposed amendments, which included section 8-152(bb)(3). Staff solicited comments on the proposed changes from approximately thirty-five (35) surveying and engineering professionals, including the agent, regarding the upcoming amendments to the subdivision ordinance via email on January 26, 2011 and March 22, 2011. Furthermore, an advertisement outlining the proposed amendments was placed in the New River Current on December 29, 2010, January 5, 2011, February 16, 2011, and February 23, 2011. The advertisements in the New River Current provided notice for the Planning Commission Public Hearing held on January 12, 2011 and the Board of Supervisors Public Hearing held on February 28, 2011.

While one of the reasons that section 8-152(bb)(3) was revised was due to section 24 VAC 30-151-10 of VDOT's Land Use Permit Manual, the requirement was also put in place to provide VDOT with a means to review new lots on existing private roads already serving multiple lots and to evaluate whether or not it would be safe to add additional lots on the existing private roads. VDOT's analysis of the appropriateness of this division yielded the determination that additional lots could not be created safely, given the current circumstances. Therefore, the approval of this variance has the ability to be of detriment to the health, safety, and welfare of the existing residents of Hawley Rd. and the traveling public on Walton Rd. (Rt. 663).

Also, the revisions to the ordinance and section 8-152(bb)(3) may result in similar situations and an increase in requests for variances to allow approval of the subdivisions without the required review and signature by the Virginia Department of Transportation (VDOT). Therefore, if the request is approved, the Planning Commission and Board of Supervisors must try to mitigate possible negative impacts associated with the proposed request to safe guard the intent of the ordinance.

### **III. Staff Recommendation**

Staff preliminarily recommends denial of the request submitted by William Hairston and Keith May (Agent: John Christman, LS) for a variance to section 8-152(bb)(3) of the Montgomery County Code, to allow the approval of a family subdivision which will result in a private access easements serving three (3) or more lots or tracts for the following reasons (as discussed in the "Analysis" section of this report):

1. If granted, this variance has the potential to compromise the intent of the subdivision ordinance by allowing the applicants to circumvent the Virginia Department of Transportation's review and approval process.
2. If granted, this variance has the potential to compromise the health, safety, and welfare of the citizens of Montgomery County by allowing additional development on a roadway that has been deemed unsafe by the Virginia Department of Transportation.
3. If granted, this request could set a precedent for other similar situations in the County.

Staff further recommends that if the applicant wishes to continue to pursue this issue that they discuss with possibilities for an alternative approach with VDOT.



MONTGOMERY COUNTY DEPARTMENT OF  
PLANNING & GIS SERVICES

PLANNING  
GIS & MAPPING

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**MEMORANDUM**

September 7, 2011

**TO:** Planning Commission Members  
**FROM:** Brea Hopkins, Planning & Zoning Technician  
**RE:** Proposed Ordinance Amendments regarding Small Wind Energy Systems

Staff has been working on amendment(s) to various sections of the zoning ordinance to incorporate Small Wind Energy System regulations. The following is a summary of some of the proposed amendments.

- Section(s) 10-21, 10-22, 10-28, 10-29, 10-30, 10-31, 10-32, 10-32.1, 10-33, 10-34, 10-35, and 10-36
  - An amendment to add Small Wind Energy Systems up to 75 ft. in height as an allowed by right use in the Agricultural (A-1), Conservation (C-1), General Business (GB), Community Business (CB), Manufacturing (M-1), Manufacturing Light (M-L)
  - An amendment to add Small Wind Energy Systems up to 100 feet in height as a special use permit in the Agricultural (A-1), Conservation (C-1), General Business (GB), Community Business (CB), Manufacturing (M-1), Manufacturing Light (M-L), Planned Unit Development Traditional Neighborhood Development (PUD-TND), Traditional Neighborhood Development Infill (TND), Planned Industrial (PIN), Planned Unit Development Commercial (PUD-COM), Planned Unit Development Residential (PUD-RES), Planned Mobile Home Residential Park (PMR)
- Section 10-41(19) Small Wind Energy Systems
  - Amendment to add regulations regarding Small Wind Energy Systems, such as:
    - Noise, lighting, and sign restrictions (unless required by FAA)
    - Certification standards, notifications to electric provider, and compliance with other federal, state, and local regulations
    - Distance between blades and ground (recommend 15 ft)
    - Type of wind system, including finish, etc.
    - Removal regulations if abandoned or defective

- Section 10-61 Definitions
  - Amendment to add definitions relating to Small Wind Energy Systems, such as:
    - Small Wind Energy System
    - Turbine

Currently, staff is requesting suggestions or comments regarding the proposed amendments. Upon consensus of the planning commission the amendments will be presented in ordinance form at the next meeting.

Please contact me should you need any additional information regarding this matter.