

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON SEPTEMBER 9, 2009 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Miller, Chair called the meeting to order and Mrs. Hopkins, established the presence of a quorum.

Present: Robert Miller, Chair
Walt Haynes, Vice Chair
William Seitz, Secretary
Frank Lau, Member
David Moore, Member
Bryan Rice, Member
John Tuttle, Member
Ryan Thum, Member
Malvin Wells, Member
John Muffo, Board of Supervisors Liaison
Steve Sandy, Planning Director
Dari Jenkins, Planning & Zoning Administrator
Brea Hopkins, Zoning Technician
Kevin Byrd, Comprehensive Planner
Jamie MacLean, Development Planner
Marty McMahon, County Attorney

Absent:

PUBLIC ADDRESS:

Proposed Zoning Ordinance Amendment Agriculture Accessory Uses

Ms. Jenkins stated the Planning Commission is seeking comments from citizens regarding "accessory" structures in Agricultural and Conservation districts. It is necessary to consider language to define allowed accessory uses and structures. Interest in these proposed changes has been encouraged by and expressed by the Montgomery County Farm Bureau. No ordinance changes will be recommended for approval or denial at this meeting. An additional public hearing will be advertised and held at a later date. She reviewed the proposed changes to Section 10-41(1) of the zoning ordinance.

Mr. Carl McNeil Jr, Old Pagelyn Rd, President Montgomery County Farm Bureau, stated semi trailers are used commonly as a means of storage on agriculture property. Regulating these to a minimum number and a 100 ft. setback are unnecessary. The setback puts them in the middle of crop production fields. He cited the Right to Farm Act. He opposed the language and felt that it would be violation of that act.

Mr. Bruce Stanger, Peppers Ferry Road, opposed to all of the amendments. It appears the County is trying to run a viable agricultural enterprise out of business. All uses accessory to agriculture considered a nuisance could be removed if the proposed amendments are approved. Farm enterprises are not accessory uses they are vital to the operation.

Mr. Don Miles, Christiana Court, stated he was in support of the proposed amendments. It is of no value to have codes, regulations, etc. if there is not a limit. There has to be some limit on every provision. This is a loophole. A lot of research and time has been devoted to solving this problem. How many trailers are needed per acre? There needs to be reasonable number and 20 or 30 trailers for an 8 acre parcel are not reasonable. This devalues the surrounding properties. Everyone needs to work together to create a solution. The trailers should store products grown or used on site.

Mr. Chuck Shorter, 4595 Long Shop, stated it did not seem reasonable to rewrite ordinances and laws based on a single complaint. The Board of Supervisors, Planning Commission, and staff have worked really hard on developing a comprehensive plan and other ordinances to guide development. Each time a complaint is filed, new laws have to be made, and it changes the way people operate. It is hard to distinguish secondary uses. Each use plays a part in the overall farm enterprise and needs to be done as cheaply as possible. The "Premise" definition should be considered to include all properties that are rented or owned. Farmers own and rent various properties. The only time you get various premises is when you have different livestock types.

Mr. Dan Brand, 790 Cambria, stated he currently rents land and a farm on Rustic Ridge Road. The comprehensive plan is an important consideration as well as the Right to Farm Act. He cited a portion of Right to Farm Act. It does not say that zoning can be enacted for cosmetic purposes. It is unreasonable to have a large commercial farm and restrict to 5 trailers.

There being no further comments the public address session was closed.

APPROVAL OF AGENDA:

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

APPROVAL OF CONSENT AGENDA:

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

PUBLIC HEARING:

A Request by Chie-May Lo Shing (Agent: Roberts Engineering) for a Comprehensive Plan map amendment to change the policy map designation of seven (7) acres immediately adjacent to Route 114 from Rural to Village Medium Density Residential in the Belview Village for a parcel located at 2626 Peppers Ferry Road also identified as a portion of Tax Parcel No. 65-A 15 (Account No. 017076), in the Riner Magisterial District.

Mr. Miller introduced the request.

Mr. Byrd stated the applicant was requesting a comprehensive plan map amendment to add seven acres to the village medium density residential district in the Belview Village Plan. There is a steep topography issue on the property. He reviewed the maps, photos, video, and plans for the property. The applicant has indicated a possible desire to dedicate the rear portion of the property near the railroad for a bike trail. The owner has been approached by a developer desiring to construct elderly apartments through a grant program. Water and sewer can be provided; however the sewer would need to be pumped up the slope. A commercial entrance cannot be obtained due to sight distance. An entrance may be possible with a speed limit reduction. Staff is currently discussing speed limit reduction in all villages with the VDOT district office. The applicant is willing to provide right of way along Route 114. Mr. Byrd reviewed the criteria for amending the comprehensive plan.

Mr. Tuttle asked what speed limit would be required in order to obtain an entrance.

Mr. Byrd stated the applicant could better address that issue; however, he believed that 50 mph would allow the entrance.

Mr. Miller opened the public hearing.

Mr. Tom Roberts, Roberts Engineering, stated the desire is to obtain a safe speed within the village. It needs to be studied regardless of the outcome of this request. The comprehensive plan does not give right to develop; therefore, a rezoning and site plan approval would still be required. If an entrance cannot be obtained, then the site plan would not be approved. The back portion of the property was not anticipated for development and the owner was encouraged by staff to only include the front 5 acres in the previous amendment. Since that time, a developer has approached the owner about the possibility of building elderly housing and is interested in the additional seven (7) acres. There is not a guarantee that there will still be time to develop the property or that funding will still be available if the amendment is approved. The sewer will have to be a force line in order to pump the sewage up to the Route 114 main line.

Mr. Bruce Stanger, stated that this area is largely rural; however, development is inevitable. Route 114 is major thoroughfare and reducing the speed limit in small areas is not advisable. Low income housing for elderly is needed but, could be dangerous due to current traffic conditions. Unfortunately, lowering the speed limit may not solve the problem. There are other lots that are already zoned for this type of housing.

There being no further speakers the public hearing was closed.

Mr. Haynes stated that he did not understand why only a portion of the property was included in the previous amendment. At this point, why not include the entire parcel since it is close to the village area. There is no need to bring forth amendments continuously for the same property.

Mr. Lau stated Route 114 is a long road that goes through the village and the development will be changing. The only way to accommodate this is by varying speed limits. These changes need to be kept to a minimum.

Mr. Rice stated the Commission was assured during the previous amendment that the front portion of the property was overlooked from inclusion in the comprehensive plan. The condition hasn't changed other than someone different is looking at developing the property. None of the physical conditions have changed. The walking trail was previously agreed to so that is not a priority. If continued expansion occurs then there is no longer a village.

Mr. Thum stated it appeared the concerns expressed could be addressed in the rezoning process. The amendment should include the entire parcel.

A motion by Mr. Lau, seconded by Mr. Seitz to approve the comprehensive plan amendment failed on a 1-8 vote (Lau support, all opposed).

Mr. Rice stated that in his opinion the request did not fit any of the four criteria for approving a comprehensive plan amendment.

On a motion by Mr. Thum, seconded by Mr. Wells and carried by a 7-2 vote (Rice and Moore opposed) the Planning Commission tabled the request for a comprehensive plan amendment in order to allow the readvertisement for the entire property.

OLD BUSINESS:

Northwoods Subdivision

On a motion by Mr. Wells, seconded by Mr. Seitz and unanimously carried the Northwoods Subdivision preliminary plat was removed from the table for discussion.

Mr. Sandy stated a revised performance agreement has been submitted. Preliminary plat approval is desired pending conditions. There are still some minor changes to the performance agreement; however, it can be finalized prior to final plat approval.

Mr. Jim Cowan, Attorney, stated there were very minor wording issues. He reviewed the substantive changes that had been made. The 1st item revised is Northwoods Drive would be paved prior to the issuance of the 6th building permit. The 2nd item that has been revised is that reports would be submitted annually with the status of each required improvement. After nine (9) permits are issued the connector road will have to be bonded or constructed. Plans have been submitted to VDOT and the plans for the water tank have been submitted for approval.

On a motion by Mr. Moore, seconded by Mr. Haynes and carried by a 9-0 vote the Planning Commission approved the Performance Agreement and Northwoods Subdivision preliminary plat subject to the following conditions:

1. The Virginia Department of Transportation (VDOT) shall review and approve the Oilwell Road construction and drainage plans for the roads within Phase 1 including any improvements to Merrimac Road (Rte. 657) and/or Oilwell Road.
2. The Montgomery County Public Service Authority (PSA) shall review and approve all public water and sewer construction plans including the provisions for fire protection described in Montgomery County Subdivision Ordinance.
3. The Virginia Department of Environmental Quality (DEQ) shall approve the storm water management and erosion & sediment control measures under the Virginia Water Protection Permitting Guidelines and all wetland disturbances.
4. The County Attorney shall review and approve the private covenants and deed restrictions with regard to the riparian buffer / open space easement and stormwater maintenance facilities.
5. The County GIS Analyst shall approve new street name(s).
6. All remaining items on the attached Subdivision Application Report dated August 18, 2009 shall be addressed.
7. Compliance with all proffered conditions (ordinance 1996-11) must be documented.

NEW BUSINESS:

None

WORKSESSION:

None

LIAISON REPORTS:

Board of Supervisors

No report.

Agriculture & Forestal District

No report.

Blacksburg Planning Commission

Mr. Haynes stated there was no business pertaining to the county discussed at the last meeting.

Christiansburg Planning Commission

No report.

Economic Development Committee

No report.

Public Service Authority

Mr. Wells stated the PSA discussed facility fees for commercial developments.

Parks & Recreation

No report.

Radford Planning Commission

No report.

School Board- Bill Seitz

No report.

Transportation Safety Committee- Malvin Wells

No report.

Planning Director's Report

Mr. Sandy stated the 177 corridor projects have been heard by the board and are scheduled for action. The primary concern was the need for a fire station in the area and the best location for that facility. Sewer issues have been addressed. There seems to be support for the project. Staff has responded to some of those issues.

Mr. Sandy reported that Mr. Byrd will be leaving the county to accept the Executive Director position at the NRV Planning District Commission. He has done a great job in the short time he was with Montgomery County and staff would like to wish him well.

Mr. Miller extended his appreciation for Mr. Byrd's professionalism and service to the Montgomery County.

Mr. Sandy stated the September 16th meeting will be cancelled. The October 21st meeting will also be cancelled. A workshop for Emergency Services with the PIPA grant will be held that evening.

There being no further business, the meeting was adjourned at 8:30 pm.