

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON AUGUST 10, 2011 AT THE ELLISTON/LAFAYETTE FIRE STATION, ELLISTON, VIRGINIA:

**CALL TO ORDER:**

Mr. Rice, Chair called the meeting to order and established the presence of a quorum.

Present: Bryan Rice, Chair  
Ryan Thum, Secretary  
William Seitz, Vice Chair  
Robert Miller, Member  
John Tuttle, Member  
Malvin Wells, Member  
Frank Lau, Member  
Joel Donahue, Member  
John Muffo, Board of Supervisors Liaison  
Steve Sandy, Planning Director  
Jamie MacLean, Development Planner  
Dari Jenkins, Planning & Zoning Administrator  
Brea Hopkins, Planning & Zoning Technician

Absent: Walt Haynes, Member

**CALL TO ORDER:**

**DETERMINATION OF A QUORUM:**

**PUBLIC ADDRESS:**

Mr. Rice opened the public address session. There being no speakers the public address session was closed.

**APPROVAL OF AGENDA:**

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

**NEW BUSINESS:**

Hairston May Subdivision Variance

Ms. MacLean stated the applicants have requested 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. VDOT has stated that sight distance could not be obtained in order to upgrade the intersection of Hawley and Walton Roads; and therefore, they will not approve and sign the plat. The planning department cannot sign the plat unless a variance is granted or approval is received from VDOT. She reviewed the criteria for granting the subdivision variance. This section of the ordinance was changed as part of the revisions approved in April 2011 based on VDOT's requirements in their land use manual. Based on their definition any private road with 2 or more residences requires a commercial entrance. Staff has received an email from VDOT stating they will no longer review family and minor subdivision plats; however, the ordinance still requires their approval. Staff has scheduled to meet with VDOT representatives on August 23<sup>rd</sup> to discuss the discrepancies in the ordinance and policies. Staff

recommends tabling the request until the meeting can be held. The county attorney has concurred with the staff recommendation to table the request.

Mr. Donahue stated he was confused as to how the planning commission could grant a variance to the subdivision ordinance and resolve the issue if VDOT is the reviewing agency.

Mrs. MacLean stated the variance is to bypass VDOT review and not require their approval.

Mr. Seitz asked if the access road could be relocated to make it possible to upgrade the entrance.

Mrs. MacLean stated VDOT has simply stated that there is not sufficient sight distance and they have not identified any alternatives.

Mr. Muffo noted the entrance is in existence and utilized by sixteen homes. A new entrance is not being created; however, the existing entrance does not meet current regulations.

Mr. Sandy noted this policy is a recent addition to state code and there are many roads in this situation in the county.

Mr. John Christman, Blacksburg, surveyor for 40 years, stated his clients purchased the property in two tracts and combined the properties through a boundary line adjustment so the parcel would have access onto Hawley Road. When the boundary line adjustment was done a 40 ft. right of way was platted and recorded. This is the only right of way platted and recorded. The road is not state maintained; however, has been in existence for years. There are two access points onto Walton from Hawley Road. He noted he was not sure which entrance was reviewed by VDOT for approval. There is not a maintenance agreement for the road and it has not been determined who provides the maintenance. The original subdivision proposal was a four (4) lot family subdivision and four (4) septic sites have been located. He noted he was unaware of any potential issues with VDOT or the entrance until after the plat was complete. The clients have gone to a considerable expense to purchase additional property in order to have access. The revised proposal is for a two (2) lot subdivision. Mr. Christman stated the request meets the requirement for a variance request and it would be an injustice to not allow owners to divide or develop their property.

Mr. Seitz asked if the request was being amended for two (2) lots to be created instead of the four (4) shown on the submitted plat.

Mr. Christman stated that he was proposing two (2) lots with frontage on Hawley Rd. The revised proposal meets the requirement that all lots would be allowed access to Hawley Road.

Mr. Wells asked if the entrance could be brought into compliance if required.

Mr. Christman noted his clients are not the owners of the property where the entrance is located and therefore, cannot complete the work. The project has been delayed a year due to equipment issues, road relocations, etc.

Mr. Rice stated he did not feel the proposed lot division would adversely affect the surrounding properties; however, he was concerned about setting precedence for others to avoid obtaining the necessary approvals.

Mr. Christman stated by leaving the decisions to VDOT properties are going to be devalued. The County has revised their subdivision rules to mirror VDOT regulations. VDOT makes policies for the Tidewater area that may not be feasible in Southwestern Virginia.

Mr. Sandy stated if the ordinance was revised to not require VDOT's review of the plats, then the applicant would have to work with VDOT to obtain an entrance permit. Part of the reason for VDOT's review and approval of the plat is to prevent the owner from purchasing property and then not being able to build because they are unable to construct an entrance.

Mr. Christman noted surveyors could always provide a statement on plats that the roads are not in the state system.

On a motion by Mr. Donahue, seconded by Mr. Seitz and unanimously carried the Planning Commission tabled the variance request for the Hairston/May Subdivision Plan until additional information from VDOT can be obtained.

## **WORKSESSION**

On a motion by Mr. Miller, seconded by Mr. Thum and unanimously carried the Planning Commission entered into work session.

Mr. Sandy stated the consultants held a meeting for staff and the community earlier in the day.

Mr. Vlad Gavrilovic, consultant, stated the goal of the Planning Commission meeting was to bring together property owners, staff, and commission members to look at some of the draft concepts for the Lafayette Plan. He reviewed concerns expressed by the property owners and planning commission such as traffic, economic development, bike/pedestrian safety, screening of incompatible uses, potential intermodal facility, and preservation of scenic qualities. The three key issues identified were: economic development, safety, and maintaining the scenic quality.

Mr. Milt Herd, consultant, reviewed the existing zoning of the area and the potential for future rezoning and development.

Mr. Bill Wuensch discussed the transportation analysis and issues in the corridor.

Mr. Gavrilovic stated the goal of the plan is to further develop design parameters for the areas of the village plan. He presented representations and principles for the types of development that would be found in the various designated areas.

Mr. Wuensch discussed transportation and pedestrian safety recommendations.

Mr. Gavrilovic reviewed the process for implementation of the plan. He also reported on the citizen response to the discussions held earlier in the day.

Mr. Seitz stated that the majority of the people may want the transportation speed to continue because the corridor is an access to Roanoke. It seems necessary to move the population center off the main highway. He noted he supported the underpass trail crossings.

On a motion by Mr. Seitz, seconded by Mr. Donahue and unanimously carried the worksession was closed.

## **LIAISON REPORTS:**

Board of Supervisors- Mr. Muffo reported a group called "Agenda 21" spoke to the board. This group of citizens is affecting planning projects in some adjoining counties. He suggested Planning Commission members watch the meeting tape if possible.

Agriculture & Forestal District- Mr. Miller stated the committee met to conduct site visits of the 3 districts for renewal. Many properties are not being renewed and are requested for removal.

Blacksburg Planning Commission – No report.

Christiansburg Planning Commission – No report.

Economic Development Committee- No report.

Public Service Authority – Mr. Wells stated there were not any planning or zoning related issues discussed at the PSA meeting.

Parks & Recreation- No report.

Radford Planning Commission- No report.

School Board- No report.

Transportation Safety Committee- No report.

Planning Director's Report- Mr. Sandy stated Mr. Creed had discussed an issue with a crossover at Walnut Grove Road. That issue may be something the safety committee could refer to VDOT. He reminded commission members that the next meeting had been cancelled.

There being no further business, the meeting was adjourned at 7:50 pm.