

Bland County Planning Commission Minutes of the Regular Meeting on February 17, 2005.

Members Present:

Elmer Chewning, Allen Newberry, Henry Blessing, Stephen Kelley, Allen Newberry, Robert Trobaugh, R.B. Anderson and Guy Boone

Members Absent:

John Dodson, Jerry Mercer, Jim Baker and Deborah Looney

Others Present:

Jonathan D. Sweet, Planning Commission Secretary, Charles Starks – Applicant, John Johnston – Applicant, Larry Taylor – Applicant, Dale Hill and Associates, Franklin Ready Mix, William Dowdy - Citizen

CALL TO ORDER

At 6:30 PM, Planning Commission Vice Chairman, Elmer Chewning called the meeting of the Bland County Planning commission to order at the Bland County Courthouse, Bland, Virginia.

ROLL CALL

Planning Commission Secretary Jonathan D. Sweet took the roll call and announced that there was a quorum present.

APPROVAL OF MINUTES

Vice Chairman Mercer requested a motion to approve the minutes of the January 10, 2005 meeting with a correction from 6.39-acers to 6.38-acers, referring to the Rezoning Application for Charles Starks. Commission Member Blessing made the motion to approve the minutes of the January 10, 2005 meeting as amended, Commission Member Trobaugh provided a second to the motion, and it passed as written by acclamation.

ITEMS TABLED FROM PREVIOUS MEETING

None

PUBLIC HEARING ON CUP APPLICATION

Charles Starks' Rezoning Application

Vice Chairman Chewning officially opened the public hearing and presented the floor to Mr. Charles Starks to brief the Commission on his proposed zoning change and intended use as mentioned in the Conditional Use Permit Application to rezone a 6.38-acre tract from agricultural to commercial for the purpose of inducing commercial enterprise.

Mr. Starks addressed the Commission and elaborated on his desire to market the property and noted that the purpose of his rezoning effort was to make the property conducive for such commercial enterprises “small businesses” that would be a logical fit for that location along I-77

Commission Member Blessing asked Mr. Starks if he has had any particular interested parties that would like to purchase at this location. Mr. Starks responded with a definitive no, not at this time.

The Commission had no further questions of Mr. Starks.

Vice Chairman Chewing invited the public to participate in the public hearing and a one Mr. William Dowdy presented himself to the Commission. Mr. Dowdy stated that he has no reservation regarding the rezoning application or the attraction of businesses at this location. However, he would not like to see anything that would be inappropriate or anything that would be considered an eyesore.

Secretary Sweet provided a brief outline of the zoning process and eluded that this was only the first step in a series of steps toward locating a business at that site. He also read aloud the accepted uses for a commercial zone and articulated on those which required conditional use permits.

Mr. Starks responded to the public's question by stating that he has no intention of rushing into things and would not look to attract an inappropriate establishment at that location.

Mr. Dowdy felt comfortable with the process and Mr. Starks request and thanked the Commission for hearing his concerns.

Vice Chairman Chewing thanked the Commission, Mr. Starks and the public (Mr. Dowdy) for participating in the public hearing and officially closed the public hearing.

Vice Chairman Chewing then asked of the Commission if there was any further discussion of this matter. The Commission acknowledged that they had no further discussion concerning Mr. Starks' application.

Vice Chairman Chewing requested a motion to recommend to the Bland County Board of Supervisors the rezoning of a 6.89-acre tract owned by one Charles Starks from agricultural to commercial.

Commission Member Newberry made the motion to recommend to the Bland County Board of Supervisors the rezoning of a 6.89-acre tract owned by one Charles Starks from agricultural to commercial. Commission Member Trobaugh provided the 2nd. The motion passed unanimously

John Johnston –Rezoning and Conditional Use Application

Vice Chairman Chewing officially opened the public hearing and presented the floor to Mr. John Johnston to brief the Commission on his proposed zoning change and conditional use permit as mentioned in the his application to rezone two adjoining tracts (TP# 61 A1 2B-3&15) from agricultural to commercial for the purpose of selling non-motorized recreational vehicles.

Mr. Johnston addressed the Commission and elaborated on his desire to utilize these two tracts for the sale of recreational vehicles vs. the tract in which he originally had rezoned in (May 25, 2004). He

explained that he recently purchased the two tracts and feel that they would be more conducive for the sale of recreational vehicles. The initially rezoned tract (TP # 61 A1 2B-16) he would allow to be reverted back to an agricultural designation and it would not be used for like purposes. He noted that the primary reason for this request is the road frontage that lot 3 provides as well as it is better situated to handle his operation.

Vice Chairman Chewning invited the public to participate in the public hearing. There was no public participation.

Vice Chairman Chewning thanked the Commission and Mr. Johnston for participating in the public hearing and officially closed the public hearing.

Vice Chairman Chewning then asked of the Commission if there was any further discussion of this matter. The Commission looked at imposing the conditions as set forth in his initial application and in the approved CUP on May 25, 2004. Those conditions are as follows:

1. Off-street parking only
2. No additional noise will be created
3. No Additional lighting, unless required by code or to enhance security
4. Property to be well kept and preserved
5. Only ten (10) RVs to be located on premises at any given time
6. Recreational vehicles in operable condition consisting of campers only, to be sold at said location as well as their replacement parts and accessories
7. Operational hours will be from 8:am to 9:pm seven days per week
8. The property will revert back to agriculture if operation fails to operate for more then three (3) consecutives months

Vice Chairman Chewning requested a motion to recommend to the Bland County Board of Supervisors the rezoning from agriculture to commercial with the above mentioned conditions for Mr. John Johnston's application for the purpose of selling non-motorized recreational vehicles.

Commission Member Newberry made the motion to recommend to the Bland County Board of Supervisors the rezoning from agriculture to commercial with the above mentioned conditions for Mr. John Johnston's application for the purpose of selling non-motorized recreational vehicles. Commission Member Blessing provided the 2nd. The motion passed unanimously.

OLD BUSINESS

None

NEW BUSINESS

Request for Conditional Use Permit – Larry Taylor

Vice Chairman Chewning presented the floor to Mr. Dale Hill of Franklin Ready Mix who is representing Mr. Larry Taylor for an application to for a Conditional Use Permit to operate a ready-mix concrete operation on a 2.5-acre existing industrial site in Rocky Gap, VA.

Mr. Dale Hill addressed the Commission and presented a power point presentation to the Commission that articulated Franklin Ready Mix's intended operation, their product, their raw materials, proposed facility, site plan, lighting, dust collection and suppression, environmental precautions, regulatory governance, hours of operation, community impact, reasons for choosing Bland County and benefits the operation will bring to Bland County. (Please request print out of power point presentation for further detail.)

The Commission had some questions regarding the school zone in Rocky Gap as it relates to safety along that stretch. Mr. Hill stated that no materials will be transported to the site while loading and unloading of school children is in progress. Mr. Hill noted that he would set up a meeting with the school system regarding this issue.

Vice Chairman Chewning requested a motion to approve Mr. Taylor's Conditional Use Permit application to operate a ready-mix concrete plant on a 2.5-acre existing industrial site located in Rocky Gap, VA, and to hold a public hearing on March 7, 2005.

Commission Member Anderson made the motion to approve Mr. Taylor's Conditional Use Permit application to operate a ready-mix concrete plant on a 2.5-acre existing industrial site located in Rocky Gap, VA, and to hold a public hearing on March 7, 2005. Commission Member Trobaugh provided the 2nd. The motion passed unanimously

Notice of Zoning Violation for Automobile Graveyard – Jesse & Anita Loving

Secretary Sweet made mention of the notice and requested some direction from the Commission on a determination of the Bland County Code. He stated that an automobile graveyard is defined as any lot or place which is exposed to the weather upon which more than three (3) unlicensed motor vehicles of any kind, incapable of being operated, are placed. He went on to explain that the reason for making mention of this definition is due to the fact that a quandary exists with an old foundation that is upon the property and houses multiple vehicles. This foundation is located very close to the road and the top of the foundation is close to road level, making it easy to peer in from the road. With the definition clearly stating that an automobile graveyard is place which is exposed to the weather, then if this building would be used to store vehicles it would still constitute a violation.

The Commission looked closely at the multiple pictures in which Secretary Sweet provided involving the violation. Several Commission Members were familiar with the premises and helped explain the situation. The Commission then openly discussed the matter and how it should be measured per the interpretation of the definition. The Commission then provided their concurrence that the dilapidated foundation would not be a suitable location to store unlicensed vehicles due to its lack of shelter (roof) from the weather and the vehicles being in plain view from a public road. Secretary Sweet thanked the Commission for their thought and input, and stated that no motioned would need to be made regarding this matter.

ADJOURNMENT

Commission Member Kelley made a motion to adjourn the meeting.

Vice Chairman Chewning obliged – the meeting was adjourned.