

**Christiansburg Planning Commission
Minutes of September 15, 2014**

Present: Matthew J. Beasley
Ann Carter
Harry Collins
David Franusich
Jonathan Hedrick
Steve Huppert
Craig Moore, Chairperson
Jennifer D. Sowers
Nichole Hair, Secretary Non-Voting

Absent: M.H. Dorsett, AICP
Joe Powers, Vice-Chairperson

Staff/Visitors: Missy Martin, staff
Sara Morgan, staff
Cindy Wells Disney, Montgomery County Planning Commission
Dan Myers, agent for 305 E. Main Street
Jimmy Radford, 150 Arrowhead Trail
Tanner Blankenship, 201 Roanoke Street
Mr. and Mrs. Cantrell, 1000 Thorn Circle
Mike Barber, Treasurer of New River Valley Health Foundation

Chairperson Moore called the meeting to order at 7:00 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia, following the pledge of allegiance, to discuss the following items:

Public Comment.

Chairperson Moore opened the floor for public comment. There were no public comments. Chairperson Moore closed the floor for public comment.

Approval of meeting minutes for September 2, 2014.

Chairperson Moore introduced the discussion. Commissioner Sowers made a motion to approve the Planning Commission meeting minutes. Commissioner Beasley seconded the motion, which passed 7-0. Commissioner Hedrick abstained from the vote as he was not present for the last meeting.

Discussion regarding a Conditional Use Permit request by Glenn and Karen Smith for a bed and breakfast inn at 305 East Main Street (tax parcel 527 – ((A)) – 125) in the R-3 Multi-Family Residential District. The Planning Commission public hearing was held on September 2, 2014.

Chairperson Moore asked for the agent, Mr. Dan Myers, to speak about the request. A site plan was provided for Planning Commission.

Discussion regarding a Conditional Use Permit request by Glenn and Karen Smith for a bed and breakfast inn at 305 East Main Street (tax parcel 527 – ((A)) – 125) in the R-3 Multi-Family Residential District. The Planning Commission public hearing was held on September 2, 2014 (continued).

Mr. Myers explained the applicant would like to use the property as a bed and breakfast. The applicant has been working with Mr. Myers for about a year on this project and spoke with the Town in the spring of 2013. There will be no changes to the exterior of the property other than cleaning up the landscaping. The section to the right of the driveway will be for additional parking. This parking will be grass pavers. There will be interior work to bring the building up to date (i.e. heating/cooling system).

Commissioner Collins asked about parking. Mr. Myers stated there will be four spaces exterior, not counting the garage. There are seven total parking spaces when including the garage and the space in front of the garage.

Commissioner Collins asked about the number of people staying in the bed & breakfast. Mr. Myers did not know the bedroom occupancy but stated there will be four bedrooms.

Commissioner Collins asked about the cut out for a driveway to the left of the home. Mr. Myers stated there will not be anything in that location, that was the original driveway. He also gave a history of the ownership of the property.

Commissioner Huppert asked about the opening date. Mr. Myers stated opening up is contingent on the permit. The applicant plans to be here full time by the end of September.

Commissioner Collins asked about on-street parking in front of the property. Ms. Hair clarified that on-street parking is available in front of the property.

Chairperson read the eight proposed conditions.

1. The bed and breakfast inn shall be in conformance with the "305 E. Main Street Inn the Park Bed and Breakfast Site Plan", dated September 3, 2014.
2. Additional landscaping shall be utilized to screen the parking area from view of the street.
3. No commercial lighting of any kind is to be placed anywhere on the property.
4. The building shall be in conformance with state and local Building and Fire Regulations to the satisfaction of the Christiansburg Building Official and Fire Marshall.
5. The bed and breakfast inn is limited to 6 guest rooms.
6. Breakfast is only to be served.
7. This permit shall be revocable for violations of Chapter 4 "Advertising" of the Christiansburg Town Code occurring on the property.
8. The Planning Commission shall review this permit in one year.

Discussion regarding a Conditional Use Permit request by Glenn and Karen Smith for a bed and breakfast inn at 305 East Main Street (tax parcel 527 – ((A)) – 125) in the R-3 Multi-Family Residential District. The Planning Commission public hearing was held on September 2, 2014 (continued).

Commissioner Carter asked about proposed condition #2. She would like to commend the applicant on the work they have provided in regards to the site plan. Ms. Hair noted a concern from the last meeting in regards to parking being visible from the street. Chairperson Moore noted that the parking will be grass pavers and posed the question of whether the screening is necessary. Commissioner Franusich commended the use of grass pavers and asked that it become a condition. Ms. Hair noted that condition #1 ensures the use of grass pavers. Commissioner Collins asked if anyone has seen green pavers. Commissioner Franusich said the grass pavers are great. Ms. Hair noted that Community House Partners uses them and they work well. Chairperson Moore asked if the additional screening is necessary. Commissioner Sowers believes the screening would make the area congested. Commissioner Carter agrees. Planning Commission agreed to strike condition #2.

Chairperson Moore suggests adding a condition stating the Conditional Use Permit is nontransferable.

Commissioner Franusich moved to approve the request with revised conditions. Commissioner Beasley seconded the motion. The motion passed 8-0.

The Town Council public hearing for this request will be September 23, 2014. Chairperson Moore suggested the agent/applicant be present for the public hearing.

Planning Commission Public Hearing for a Conditional Use Permit request by Radford & Radford Properties for residential use at 150 Arrowhead Trail (tax parcel 528 – ((A)) – 12A) in the B-3 General Business District.

Chairperson Moore asked the applicant to speak to their request. Jimmy Radford explained that they have owned the property for a number of years and was unaware that the property was not zoned residential.

Commissioner Franusich asked if the property has been rented as business. Mr. Radford clarified that the property has been rented to a single family.

Chairperson Moore opened the floor for public comment.

Mike Cantrell, 1000 Thorn Circle, is an adjoining property owner. He is opposed to the request in its present form and would like the Planning Commission to reject the request. He would support the application if it was restricted to single family residential and no dogs would be kept outside. Mr. Cantrell noted his handouts show the location of his property in relation to the subject property. He also provided the statement of intent for B-3 zoning which notes there should not be any noise nuisances other than those associated with businesses during normal business hours. Mr. Cantrell stated he and his wife have lived in their home for 24 years and enjoyed it until now.

Planning Commission Public Hearing for a Conditional Use Permit request by Radford & Radford Properties for residential use at 150 Arrowhead Trail (tax parcel 528 – ((A)) – 12A) in the B-3 General Business District (continued).

Mr. Cantrell stated he would support the submission of a new application that does not allow any dogs to be kept outside in any fashion. Mr. Cantrell believes this will address the noise nuisance factors that would be created by a residential use in a business zoned property. He also noted that the building on the subject property has one water meter, one sewer line, one mailbox and a new garbage can. Additionally, Mr. Cantrell is concerned that the property could turn into a multi-family use. He requested the Planning Commission reject this application.

With no other comments, Chairperson Moore closed the floor to public comment.

Planning Commission Public Hearing for a Conditional Use Permit request by Tanner Blankenship (agent for property owner Charles Hank) for residential use at 201 Roanoke Street (tax parcel 527 – ((A)) – 111) in the B-3 General Business District.

The agent, Tanner Blankenship, stated he has worked with Mr. Charles Hanks to purchase the property. He has the intention of having a business on the property. Mr. Blankenship stated the best way for him to finance the property is to rent the property out. Mr. Blankenship stated he has received interest in residential use for the property. Mr. Blankenship would like to rent it out as residential, two units, for one to two years. He would like to rent the units to responsible tenants. Mr. Blankenship stated he has made updates to the property including painting, landscaping and plumbing.

Chairperson Moore opened the floor for public comment.

Mr. Mike Barber, Treasurer of New River Valley Health Foundation, spoke about the dogs coming from the property and would like the property to be restricted to no pets or use of a chain link fence to prevent dogs from coming onto the adjoining properties. The New River Valley Health Foundation's tenants have complained.

With no other comments, Chairperson Moore closed public comment.

Discussion by the Planning Commission on the Conditional Use Permit request by Radford & Radford Properties for residential use at 150 Arrowhead Trail (tax parcel 528 – ((A)) – 12A) in the B-3 General Business District.

Commissioner Carter asked Ms. Hair about the history of the property and the issues that occurred in the past. Ms. Hair stated that it was used as a business and a caretaker was living on the property.

Chairperson Moore asked the applicant how many families are on the property. Mr. Radford stated one family. He is not opposed to R-1.

Commissioner Franusich asked if the R-1 district has restrictions on animals. Commissioner Carter clarified that there are no restrictions on animals.

Discussion by the Planning Commission on the Conditional Use Permit request by Radford & Radford Properties for residential use at 150 Arrowhead Trail (tax parcel 528 – ((A)) – 12A) in the B-3 General Business District – (continued).

Commissioner Franusich asked if it would be considered as spot zoning if it were rezoned to R-1. Ms. Hair clarified that the property is not being rezoned and the Planning Commission cannot initiate that.

Ms. Hair provided her experience with barking dogs in her neighborhood. She noted that the Police Department handles those situations. Chairperson Moore suggested, as a condition, that if a nuisance persists the permit could be revoked.

Commissioner Carter doesn't think the Planning Commission can restrict the tenants from having animals. Ms. Hair agreed.

Commissioner Franusich noted that conditioning it as single family is reasonable since the property adjoins an R-1 district.

Proposed conditions

1. The property shall be restricted to single family use only.
2. This permit shall be revocable for violations to the Christiansburg Town Code, including but not limited to Chapter 8 "Animals".

Commissioner Collins asked Mr. Radford what it is being used for at present time. Mr. Radford confirmed the property is occupied by a single family.

Commissioner Sowers asked if more than one family is possible. Mr. Radford stated both floors are finished and they could use the space in that way; however, they have no intention to have more than one family. Commissioner Carter noted that in the past it has been more than one family.

Commissioner Franusich asked Mr. Radford how long the property has been used as residential. Mr. Radford's grandfather built the property 25 years ago. Mr. Radford has owned the property for 10-15 years and the tenant was the same during that time until he recently passed away.

Mr. Cantrell gave a history of the property. There were two families living on the property. Mr. Terpenny told Mr. Cantrell the property could have a caretaker living in the house and use the basement as storage. Mr. Cantrell believes there are two separate units. He believes there is someone living in the basement and the top floor.

Commissioner Collins asked if there are stairs between the two levels. Mr. Radford stated that the house is a split level home. He noted that if a basement is finished there could be someone living there but that is not the case for his property.

Mr. Cantrell asked about the noise nuisance. Chairperson Moore explained that one of the conditions would state the permit is revocable if a nuisance persists.

Discussion by the Planning Commission on the Conditional Use Permit request by Radford & Radford Properties for residential use at 150 Arrowhead Trail (tax parcel 528 - ((A)) – 12A) in the B-3 General Business District – (continued).

Ms. Hair informed Mr. Cantrell of the nuisance process and how to contact the Police Department. Mr. Cantrell stated he would contact them if he needs to. He noted that he is a dog lover but he does not like to be kept up at night. Mr. Cantrell added that he has no problem with the property being rented to a single family.

Chairperson Moore explained the process if a nuisance was called into the Police Department. Ms. Hair noted any violations could be forwarded to the Planning Department.

Commissioner Carter asked if they would rent to the current tenants. Mr. Radford stated the current tenants are allowed a dog. He stated that he was not aware of the barking dog situation. Mr. Cantrell thought this was how he needed to handle the situation. Mr. Radford added that he is not sure if they are able to evict the tenants over a barking dog. Chairperson Moore noted that the Planning Commission cannot force Mr. Radford to violate another law in terms of evicting someone. Ms. Hair added that if the Conditional Use Permit was violated, the applicant would have 30 days to come into compliance.

Mr. Cantrell asked if the lease is valid. Chairperson Moore stated that would be between the applicant and his renter. The Planning Commission can only enforce approved conditions.

Commissioner Collins asked about the family living on the property and if they would be the residents if this was passed. Mr. Radford stated the tenants have a one year lease.

Chairperson Moore asked if there has been an issue with the dog barking. Mr. Cantrell confirmed there has been a problem and that neighbors on the other side of Thorn Circle have heard the barking.

Ms. Hair clarified that noise ordinance is enforced during a specific time period.

Commissioner Collins asked if the dog is on a chain or rope. Mr. Cantrell has not seen how the dog is kept on the property.

Ms. Hair clarified the violation process for Commissioner Hedrick. If the Planning Commission were to revoke the Conditional Use Permit, the applicant would have 30 days to comply before taking legal action.

Commissioner Beasley asked how long the current tenants have been on the property. Mr. Radford believes it has been 2-3 months. The Cantrells believe it was August 1, 2014. Commissioner Collins asked if there had been a problem prior to the current tenants. Mr. Cantrell said there was not because it was unoccupied after the previous tenant's passing.

Discussion by the Planning Commission on the Conditional Use Permit request by Radford & Radford Properties for residential use at 150 Arrowhead Trail (tax parcel 528 - ((A)) – 12A) in the B-3 General Business District – (continued).

Chairperson Moore went over the proposed conditions.

1. The property shall be restricted to single family use only.
2. This permit shall be revocable for violations to the Christiansburg Town Code, including but not limited to Chapter 8 "Animals" and Chapter 24 "Nuisances".
3. This permit shall be valid for Radford & Radford Properties, the present applicant only and is non-transferrable.

Chairperson Moore explained that the Planning Commission will make a decision at the next meeting on September 29, 2014, with the proposed conditions and asked for the applicant to be present at the next meeting. At that meeting a recommendation will be made to Town Council. He suggested the applicant be present at the Town Council public hearing to answer any questions they may have. Commissioner Huppert agreed. Ms. Hair stated the Town Council Public Hearing will be October 14, 2014. Chairperson Moore noted that the applicant has been made aware of the barking dog situation and that neighbors would need to call the police and have the nuisance put on record. He added that this is not against anyone but that a call would need to be made to track a potential ongoing problem. It would also be good for the applicant to work with the renters since they have become aware of the barking dog issue. Commissioner Huppert confirmed that this will show Town Council the applicant is taking steps to resolve the situation and that will pay off.

Discussion by Planning Commission regarding Conditional Use Permit request by Tanner Blankenship (agent for property owner Charles Hank) for residential use at 201 Roanoke Street (tax parcel 527 - ((A)) – 111) in the B-3 General Business District.

Commissioner Carter asked Mr. Barber about the dogs and if the situation has gotten better since the building has been improved. Mr. Barber has received complaints from the Carillon Clinic and the problem did not occur until the improvements had. Mr. Barber stated there have been complaints of four dogs coming onto the New River Valley Health Foundation's property. Commissioner Carter asked Mr. Barber if he was concerned with the improvements. Mr. Barber noted that the concern is from Carillon Clinic, their tenants. Mr. Barber added there have not been complaints of a barking dog. He suggested fencing in the back yard to keep the dogs on the applicants property.

Ms. Hair noted the ordinance for dogs running at large.

Commissioner Beasley asked if the dogs belong to the applicant. Mr. Blankenship stated that he has one dog and has the dog is present when work is being done to the property. He noted there are residential properties surrounding his property. Mr. Blankenship stated his goal is to add to the area and make it more beautiful. He stated putting in an underground fence or restricting animals is not a big deal for him. Commissioner Collins asked what he will do to fix the problem. Mr. Blankenship stated he will keep his dog on his property. He added he would prefer to put an underground fence in rather than a board or chain link fence.

Discussion by Planning Commission regarding Conditional Use Permit request by Tanner Blankenship (agent for property owner Charles Hank) for residential use at 201 Roanoke Street (tax parcel 527 – ((A)) – 111) in the B-3 General Business District – (continued).

Chairperson Moore noted that a condition could be that animals are restricted to the yard. Commissioner Franusich added that the Planning Commission could condition if there are any nuisance complaints the Conditional Use Permits could be revoked.

Chairperson Moore noted that with two units on the property this would not be a single family. He asked if the Planning Commission would like to restrict the number of units on the property.

Commissioner Franusich asked if there is adequate parking for two units. Mr. Blankenship stated he has had the property striped and there are currently six parking spaces with additional room. He added that he has considered putting in an additional smaller unit, making it a three unit property, if the Planning Commission allowed it. Mr. Blankenship has spoken with the Building Department and there is enough room for three small, single apartments.

Chairperson Moore asked Mr. Blankenship to clarify the time period he is looking for. Mr. Blankenship would like to do this for no more than two years as he hopes to put his home improvement business on the property. If he was able to rent the property out for two years he would be able to purchase the property. Chairperson Moore noted that a time limit could be conditioned. He believes it should be longer than two years to give the applicant leeway but no longer than 4-5 years. Ms. Hair suggested revisiting the Conditional Use Permit in two years to see where the applicant stands.

Commissioner Hedrick asked about the monetary gains from two units verses one unit. Mr. Blankenship believes it will be beneficial for him to have two units and enable him to purchase the property quicker. He would ideally like two units and a third smaller unit. Mr. Blankenship stated the layout has been discussed with the Building Department.

Chairperson Moore asked if the Planning Commission would like to limit the number of units. Chairperson Moore added the Building and Fire Code will be applied to the units.

Commissioner Huppert asked about the parking. Mr. Blankenship stated he has six parking space, one being ADA accessible; however, there is room to add more. He did not want to crowd the property.

Commissioner Hedrick asked about the units reverting back to a business. Mr. Blankenship would like the work that would be done to allow him to convert it back to business after the two years. The perimeter of the building would not change.

Commissioner Huppert noted the need for these units in Town.

Discussion by Planning Commission regarding Conditional Use Permit request by Tanner Blankenship (agent for property owner Charles Hank) for residential use at 201 Roanoke Street (tax parcel 527 – ((A)) – 111) in the B-3 General Business District – (continued).

Mr. Blankenship stated he tried to rent the property as business first but found it difficult. When he looked into renting the property as residential he received more interest.

Commissioner Collins asked the number of units Mr. Blankenship would like and what he is going to do about the dogs. Mr. Blankenship would like three units and plans to make his neighbors happy.

Mr. Barber noted that the Foundation is not wishing to impede Mr. Blankenship's process but is concerned with the dog liter. Commissioner Carter added that Mr. Blankenship has offered to put in a fence. Commissioner Hedrick believes with three units there is a potential for three dogs, which could become a problem. Commissioner Franusich noted that the issue would be handled by the Police Department and if a nuisance persists the permit could be revocable. Commissioner Hedrick added that the applicant knows this going into the process. Mr. Blankenship would like to keep the property clean and in good shape as he hopes to use it as his business in the future.

Chairperson Moore asked the Planning Commission how many units they are comfortable with. Commissioner Sowers asked if there are enough bathrooms for three units. Mr. Blankenship stated there are currently two bathrooms but there are plans for a third bathroom. Commissioner Sowers asked if there would be two units on the main level and one upstairs. This was confirmed by Mr. Blankenship.

Commissioner Collins suggested having the Building Inspector come to the next meeting. Commissioner Franusich and Chairperson Moore clarified that the Planning Commission is not tasked with looking at the inside of the building. That is handled by the Building Department.

Commissioner Hedrick noted that the applicant has a vested interest in keeping the property in good condition as residential construction is his trade.

Many Commissioners stated they do not have a problem with three units.

Chairperson Moore went over the four proposed conditions. Ms. Hair read the proposed conditions:

1. This permit shall be revocable for violations to the Christiansburg Town Code, including but not limited to Chapter 8 "Animals."
2. The property shall be restricted to three residential units.
3. This permit shall be valid for Tanner Blankenship, the present applicant only and is non-transferrable
4. The permit will be reviewed by the Planning Commission in two years.

Discussion by Planning Commission regarding Conditional Use Permit request by Tanner Blankenship (agent for property owner Charles Hank) for residential use at 201 Roanoke Street (tax parcel 527 – ((A)) – 111) in the B-3 General Business District – (continued).

Commissioners discussed having a fence on the property and the possibility of it being an underground fence. Commissioner Franusich added that the Planning Commission cannot restrict the applicant from having pets. This was confirmed by Ms. Hair.

Commissioner Huppert asked Mr. Blankenship is taking the dog home at night. Mr. Blankenship stated he is taking the dog home and talked about his dog's friendly behavior.

Commissioner Huppert asked if Mr. Blankenship would be checking on the property once it is rented. Mr. Blankenship will be checking on the property and may potentially live in one of the units.

Chairperson Moore explained that the Planning Commission will make a decision at the next meeting, September 29, 2014, with the drafted conditions and a recommendation will be made to Town Council. He asked for the applicant to be present at the next meeting and suggested he be present for the Town Council public hearing as well. The Town Council public hearing will be held on October 14, 2014. Chairperson Moore noted that Mr. Blankenship has been made aware of the issues and can be working on a solution.

Other Business.

Ms. Hair noted that Elijah Sharp will be at the next meeting to present the MPO Bike Pedestrian plan. Brad Epperley is not able to attend the next meeting but will be at the October meeting to present the Christiansburg Parks and Rec Master Plan.

There being no more business Chairperson Moore adjourned the meeting at 7:56 p.m.



Craig Moore, Chairperson



Nichole Hair, Secretary

Non-Voting

Resolution of the Town of Christiansburg Planning Commission

Conditional Use Permit Application

WHEREAS the Christiansburg Planning Commission, acting upon a request by the Christiansburg Town Council to study a Conditional Use Permit (CUP) request made by Glenn and Karen Smith for a bed and breakfast inn at 305 E. Main Street (tax parcel 527 – ((A)) – 125) in the R-3 Multi-Family Residential District, has found following a duly advertised Public Hearing that the public necessity, convenience, general welfare and good zoning practices (**permit / do not permit**) the issuance of a CUP to Glenn and Karen Smith for a bed and breakfast inn at 305 E. Main Street (tax parcel 527 – ((A)) – 125) in the R-3 Multi-Family Residential District.

THEREFORE be it resolved that the Christiansburg Planning Commission (**recommends / does not recommend**) that the Christiansburg Town Council approve the issuance of the Conditional Use Permit with the following condition(s):

1. The bed and breakfast inn shall be in conformance with the “305 E. Main Street Inn the Park Bed and Breakfast Site Plan”, dated September 3, 2014.
2. This permit shall be valid for the applicant only and is nontransferable.
3. No commercial lighting of any kind is to be placed anywhere on the property.
4. The building shall be in conformance with state and local Building and Fire Regulations to the satisfaction of the Christiansburg Building Official and Fire Marshall.
5. The bed and breakfast inn is limited to 6 guest rooms.
6. Breakfast is only to be served.
7. This permit shall be revocable for violations of Chapter 4 “Advertising” of the Christiansburg Town Code occurring on the property.
8. The Planning Commission shall review this permit in one year.

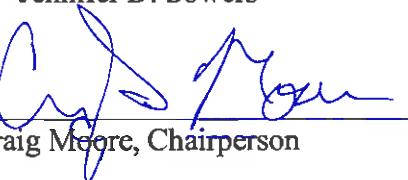
Dated this the 15th day of September 2014.



Craig Moore, Chairperson
Christiansburg Planning Commission

The above Resolution was adopted on motion by Franusich seconded by Beasley at a meeting of the Planning Commission following the posting of a public hearing notice upon the property and a duly advertised Public Hearing on the above request on September 2, 2014. Upon a call for an aye and nay vote on the foregoing resolution, the Commission members present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

<u>MEMBERS</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Matthew J. Beasley	X			
Ann H. Carter	X			
Harry Collins	X			
M. H. Dorsett, AICP				X
David Franusich	X			
Jonathan Hedrick	X			
Steve Huppert	X			
Craig Moore, Chairperson	X			
Joe Powers, Vice-Chairperson				X
Jennifer D. Sowers	X			



Craig Moore, Chairperson



Nichole Hair, Secretary Non-voting