

**Christiansburg Planning Commission
Minutes of March 2, 2015**

Present: Matthew J. Beasley (arrived at 7:02 p.m.)

Ann Carter

Harry Collins

David Franusich

Jennifer D. Sowers, Vice-Chairperson

Joe Powers

Craig Moore, Chairperson

Nichole Hair, Secretary Non-Voting

Absent: Steve Huppert

Staff/Visitors: Sara Morgan, staff

Cindy Wells Disney, Montgomery County Planning Commission

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

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 February 2, 2015.

Chairperson Moore introduced the discussion. Commissioner Carter made a motion to approve the Planning Commission meeting minutes. Commissioner Sowers seconded the motion, which passed 6-0.

Planning Commission public hearing on an ordinance amending Chapter 42 “Zoning” of the Christiansburg Town Code in regards to definitions, conditional zoning, setbacks, off-sets for two-family dwellings and sidewalk requirements.

Chairperson Moore introduced the discussion. Ms. Hair indicated this is a similar draft to what was discussed during the last meeting. Ms. Hair noted the Town Attorney recommended striking “licensed caregiver” since the state of Virginia does not require caregivers to be licensed. Ms. Hair is comfortable with the Zoning Department identifying these caregivers and enforcing the ordinance.

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

Commissioner Powers asked Ms. Hair to explain the email she received from Tacy Newell-Foutz. Ms. Newell-Foutz’s email inquired about requiring sidewalks for redevelopment of properties and how the Town will determine the increased value of 25%.

Planning Commission public hearing on an ordinance amending Chapter 42 "Zoning" of the Christiansburg Town Code in regards to definitions, conditional zoning, setbacks, off-sets for two-family dwellings and sidewalk requirements - (continued).

Ms. Hair explained the proposed change is lenient compared to other localities. Ms. Hair added other localities utilize a redevelopment value of 50% to prompt sidewalk improvements. Ms. Hair stated the Town would determine the increased value based on building permit applications and the Montgomery County's tax assessment. Ms. Hair noted Ms. Newell-Foutz wanted clarification from staff and the Planning Commission was copied on the emailed response.

Chairperson Moore closed the floor for public comment.

Chairperson Moore noted the Planning Commission has heard this ordinance amendment before; therefore, he feels comfortable in the Commission making a recommendation to Town Council.

Commissioner Sowers made a motion to recommend Town Council adopt the ordinance amendments to Chapter 42 "Zoning" of the Christiansburg Town Code. Commissioner Powers seconded the motion, which passed 7-0.

Planning Commission review of approved Conditional Use Permit for a dancehall at 2790 Roanoke Street. The Conditional Use Permit was approved on March 11, 2014.

Chairperson Moore introduced the discussion and asked Ms. Hair if the Town has received any complaints. Ms. Hair presented the police report, as the Police Department has responded to incidences at the location over the last year.

Commissioner Collins asked if the applicant was supposed to be present for the review. Ms. Hair stated they were not.

Chairperson Moore asked about how this property compares to other restaurants. Commissioner Collins spoke to the Police Department about the property today. Ms. Hair stated this is the only business of this nature. Commissioner Collins stated it would not be right to compare it to other businesses in town. Commission Collins added this business is mild in comparison to past operations.

Commissioner Powers asked if the operators over the year were the ones who applied for the Conditional Use Permit. Ms. Hair confirmed.

Ms. Hair noted the Building Department has had issues with the operators in regards to the Building Code. Ms. Hair stated the business had opened as a restaurant, but it is not operating under the parameters of a restaurant. Ms. Hair added the Building Official and Fire Marshall have visited the property and classify it as a dance hall. Ms. Hair stated the occupancy load for the business has been reduced to 99 persons in conformance with the Building Code requirements.

Planning Commission review of approved Conditional Use Permit for a dancehall at 2790 Roanoke Street. The Conditional Use Permit was approved on March 11, 2014 - (continued).

Commissioner Powers asked about the occupancy number going beyond 99 if the sprinkler system was added to the building. Ms. Hair stated the property owner is not willing to do that at this time. Commissioner Beasley stated he thought the property owner was going to make that investment. Ms. Hair explained she does not think the owner wants to make that investment at this point.

Chairperson Moore examined the police report again. Six of the calls were actually issues of illegal activity. Chairperson Moore noted the ambulance needed could be an issue if it was over a fight. Chairperson Moore stated that incident was a separate date from the drunk in public, the hang up, the information, and the lockout. Commissioner Beasley stated the police report was not as bad as he was expecting.

Ms. Hair stated staff has not heard anything from the neighbors and these incidents may be specific to the property.

Chairperson Moore brought up the possibility of the tenants calling the police to alleviate the situation. Commissioner Franusich believes the tenants could be calling when it is a drunk in public. Chairperson Moore agreed and stated the tenants may be trying to help the situation. Commissioner Franusich noted that citizens usually do not call for drunk in public instances.

Commissioner Collins asked Ms. Hair to clarify what the tenants are using the property for. Ms. Hair stated the property is being used as a dance hall. Commissioner Collins asked if you can eat at the establishment. Ms. Hair explained a certain amount of food must be served to be in compliance with ABC laws.

Commissioner Collins asked about the issue of moving the tables off of the dance floor. Ms. Hair explained under the Building Code, in order to maintain the increased occupancy load of a restaurant, the tenants brought in a layout of their facility. Ms. Hair stated the tables were to be on the floor in order to be recognized as a restaurant. Ms. Hair added the Fire Marshall and Building Official have been in the establishment and the tables are not on the floor for dinner purposes and the tables have been pushed up against the sides of the establishment. Ms. Hair added the business is advertising for live entertainment instead of food specials. Ms. Hair stated the Building Official and Fire Marshall have reevaluated the situation and have decided that the tenants, per Building Code, are operating as a dance hall. Ms. Hair stated the tenants have the approval from the Town to do so but they need to meet the requirements of the Building Code.

Planning Commission review of approved Conditional Use Permit for a dancehall at 2790 Roanoke Street. The Conditional Use Permit was approved on March 11, 2014 - (continued).

Chairperson Moore asked if the business is in compliance with the Town. Ms. Hair stated as of today they are in compliance. Chairperson Moore asked if there had been any written notices. Ms. Hair stated there had not been any written notices because they are meeting the Zoning requirements. Chairperson Moore asked if anyone at the Town has issued a written notice. Ms. Hair does not believe the Building Official has sent out a written notice. Ms. Hair added a new Certificate of Occupancy has been issued with a reduced occupancy to 99 people. Commissioner Beasley asked if there had been any issues since the issuance of the new Certificate of Occupancy. Ms. Hair does not believe so.

Chairperson Moore explained the Planning Commission is asked to make a decision on whether to modify conditions, revoke the Conditional Use Permit, or review in a year. Commissioner Sowers suggested reviewing the Conditional Use Permit in one year. Ms. Hair explained staff can continue to monitor the property and get updates from the Police Department. Chairperson Moore asked the Commission if there were any objections to reviewing the Conditional Use Permit in one year. There were no objections.

Commissioner Franusich asked about the Call for Service number on the Police Report. Ms. Hair stated she did not know what that number means but is the Police Department number assigned to the call. Commissioner Franusich asked if it is a sequential number. Ms. Hair does not know. Chairperson Moore asked if those numbers are used for the entire county. Ms. Hair stated she thought the numbers are strictly for Christiansburg, as the Town has their own dispatch. Commissioner Beasley and Commission Carter believe they are sequential because they seem to start over when they reach a new year. Ms. Hair noted the 911 calls include Emergency Services.

Chairperson Moore reiterated the Planning Commission will review the Conditional Use Permit in one year. Staff will update the Planning Commission with any issues.

Commissioner Powers asked if the police report comes from a database kept by the Police Department dispatch. Ms. Hair confirmed. Commissioner Powers noted that information for other addresses could be obtained as well.

Other Business.

Ms. Hair stated the Neighborhood Planning Public Input Meeting will be held March 19, 2015 at the Recreation Center from 3-7 p.m. The Planning Department met with the Recreation Department today and the Neighborhood Planning flyers will be added to the bags given out at the Home Expo. Ms. Hair stated flyers will also be placed at the front desk to reach people checking into the Home Expo. Ms. Hair added the flyer will be modified to fit the electronic screens at the Recreation Center and Aquatic Center. Ms. Hair stated the flyer has been placed on Town Hall bulletin boards. Commissioner Sowers asked if the Planning Commissioners are needed at the meeting. Chairperson Moore stated as many of the Planning Commissioners as possible should attend. Ms. Hair stated the Planning Commissioners are encouraged to attend the meeting to help answer questions. Ms. Hair added often times citizens know who their Town Council members are but not their Planning Commissioners. Ms. Hair noted work schedules will limit availability but if Planning Commissioners could stop by after 5 p.m. that would be appreciated. Commissioner Sowers stated she assumes it will be busier after 5 p.m. Ms. Hair and Commissioner Beasley agreed because of the class and basketball schedules in the evenings. Commissioner Sowers asked if this would be held in the entry. Ms. Hair stated the meeting will be held in a classroom. Ms. Hair added a sign will be put up directing people to the classroom. Ms. Hair noted Ms. Morgan has been working on maps and informational items for the meeting. Commissioner Beasley suggested the front alcove for the meeting. Ms. Hair explained there will be too many materials for that area. Commissioner Sowers noted the alcove is a good location because people going to workout may not realize there is a meeting being held. She suggested having a big visual to grab people's attention. Ms. Hair stated staff can work on that. Commissioner Sowers suggested having someone direct people down the hall. Ms. Hair noted Ms. Morgan and she will be there early to setup.

Ms. Hair stated the Planning Department will have a new intern starting this week through a Federal Work Study Program at Virginia Tech. Ms. Hair added the intern may be involved in the Neighborhood Planning meeting and Planning Commission meetings.

Commissioner Collins asked about future Downtown events held by Commissioner Franusich. Commissioner Franusich stated Downtown Christiansburg Inc. is working on their organization at the moment but the Food Truck Rodeo will be held in September.

Other Business - (continued).

Commissioner Powers asked how the Farmers Market is coming. Commissioner Franusich believes it is going well. Ms. Hair agreed. Ms. Hair stated the Farmers Market committee has a meeting next week and regulations and mission have been established. Ms. Hair added letters to vendors for vendor applications will be going out. Commissioner Collins asked who they hired to manage the Farmers Market. Ms. Hair said the Town has not hired anyone yet, but there is a lot of interest in that position. Commissioner Powers noted there was a survey being conducted at the library and inquired about the results from the survey. Ms. Hair explained she is not involved in the Farmers Market committee but tries to keep up with it. Commissioner Beasley stated it will be in a good location.

Ms. Hair noted the Planning Department is trying to incorporate the Obesity Prevention Grant with the Farmers Market due to the pedestrian improvements set to be made. Additionally, tying in the New River Health District's Farm-acy to the Farmers Market. The Farm-acy provides free fruits and vegetables to people in need.

Commissioner Beasley asked if a Comprehensive Plan Subcommittee meeting will be held this month. Ms. Hair explained meeting has been canceled due to the Neighborhood Planning meeting on March 19, 2015. Ms. Hair added the Development Subcommittee will meet towards the end of the month.

Commissioner Powers asked what issue is being heard by the Board of Zoning Appeals. Ms. Hair explained there are two carports on Kimball Lane that are not meeting the required front setback. Ms. Hair stated the variance for 110 Kimball Lane will be heard this Thursday and the other case has not been scheduled yet. Ms. Hair added the carport at 110 Kimball Lane was placed on the property without a permit and is not meeting the front setback of 35 feet. Ms. Morgan added the carport currently sits 4 feet from the street right-of-way. Commissioner Franusich asked how close the house is to the street. Ms. Morgan believes the house has a 35 foot front setback. Ms. Morgan explained the front property line is about 4 to 5 feet from the edge of the street. Ms. Hair stated there have been a couple of instances where people are putting up carports without permits. Commissioner Sowers asked if a certain company is installing the carports not knowing they need a permit. Ms. Hair stated there is not. Ms. Hair added the Building Department has reached out to companies to inform them of the requirements.

There being no more business, Chairperson Moore adjourned the meeting at 7:24 p.m.

Craig Moore, Chairperson

Nichole Hair, Secretary Non-Voting



TOWN OF CHRISTIANSBURG
 100 East Main Street
 Christiansburg, VA 24073
 Phone (540) 382-6120 Fax (540) 381-7238

Conditional Use Permit Application

Agent

Landowner: Billy Massie

Landowner

Agent: Starlight MRP, LLC

Address: 185 Tunnel Circle

Address: _____

Christiansburg VA 24073

(Office)

Phone: 326-6090 382-7437

Phone: _____

I am requesting a Conditional Use Permit to allow 1 single family residential unit added to mobile home park property on my property that is zoning classification B-3 under Chapter 42: Zoning of the Christiansburg Town Code.

My property is located at Starlight Drive

Tax Parcel(s): 529-(A)-41

Fee: \$750.00

*3/3/15
BK*

I certify that the information supplied on this application and any attachments is accurate and true to the best of my knowledge. I understand that Conditions may be placed on my property in regards to the above mentioned use/activity. I also understand that the Conditional Use Permit may be revoked and/or additional Conditional Use Permits required should questions regarding conformity arise.

Signature of Landowner(s): Billy D. Massie

Date: 3-23-15

Date: _____

Date: _____

This request was approved / disapproved by a vote of the Christiansburg Town Council on _____ . Any Conditions attached shall be considered requirements of the above request.

Town Manager

Date



ESTABLISHED
NOVEMBER 10, 1792

INCORPORATED
JANUARY 7, 1833

MAYOR
D. MICHAEL BARBER

COUNCIL MEMBERS
SAMUEL M. BISHOP
R. CORD HALL
STEVE HUPPERT
HENRY SHOWALTER
BRADFORD J. "BRAD" STIPES
JAMES W. "JIM" VANHOOZIER

TOWN MANAGER
BARRY D. HELMS

DIRECTOR OF
FINANCE/TOWN TREASURER
VALERIE L. TWEEDIE

CLERK OF COUNCIL
MICHELE M. STIPES

TOWN ATTORNEY
GUYNN &
DILLON, P.C.

Town of Christiansburg, Virginia 24073

100 East Main Street ~ Telephone 540-382-6128 ~ Fax 540-382-7338

Town of Christiansburg Planning Staff Report

Planning Commission Public Hearing Date: Monday, April 20, 2015 at 7:00 p.m.

Town Council Public Hearing Date: Tuesday, May 12, 2015 at 7:00 p.m.

Application Type: Conditional Use Permit

Applicant: Billy Massie (agent for Starlight MHP, LLC)

Location: Starlight Drive

The Town of Christiansburg has received a Conditional Use Permit request by Billy Massie (agent for Starlight MHP, LLC) for the expansion of an existing mobile home park with one single-wide mobile home and one single family residence on Starlight Drive (tax parcel 529 – ((A)) – 41) in the B-3 General Business District.

The property does not lie within the 100-Year or 500-Year Flood Hazard Area. The property is not located within a Historic District. The adjoining properties are zoned B-3 General Business and R-2 Two-Family Residential District. The adjoining properties contain residences and the Starlight Drive-in Theatre.

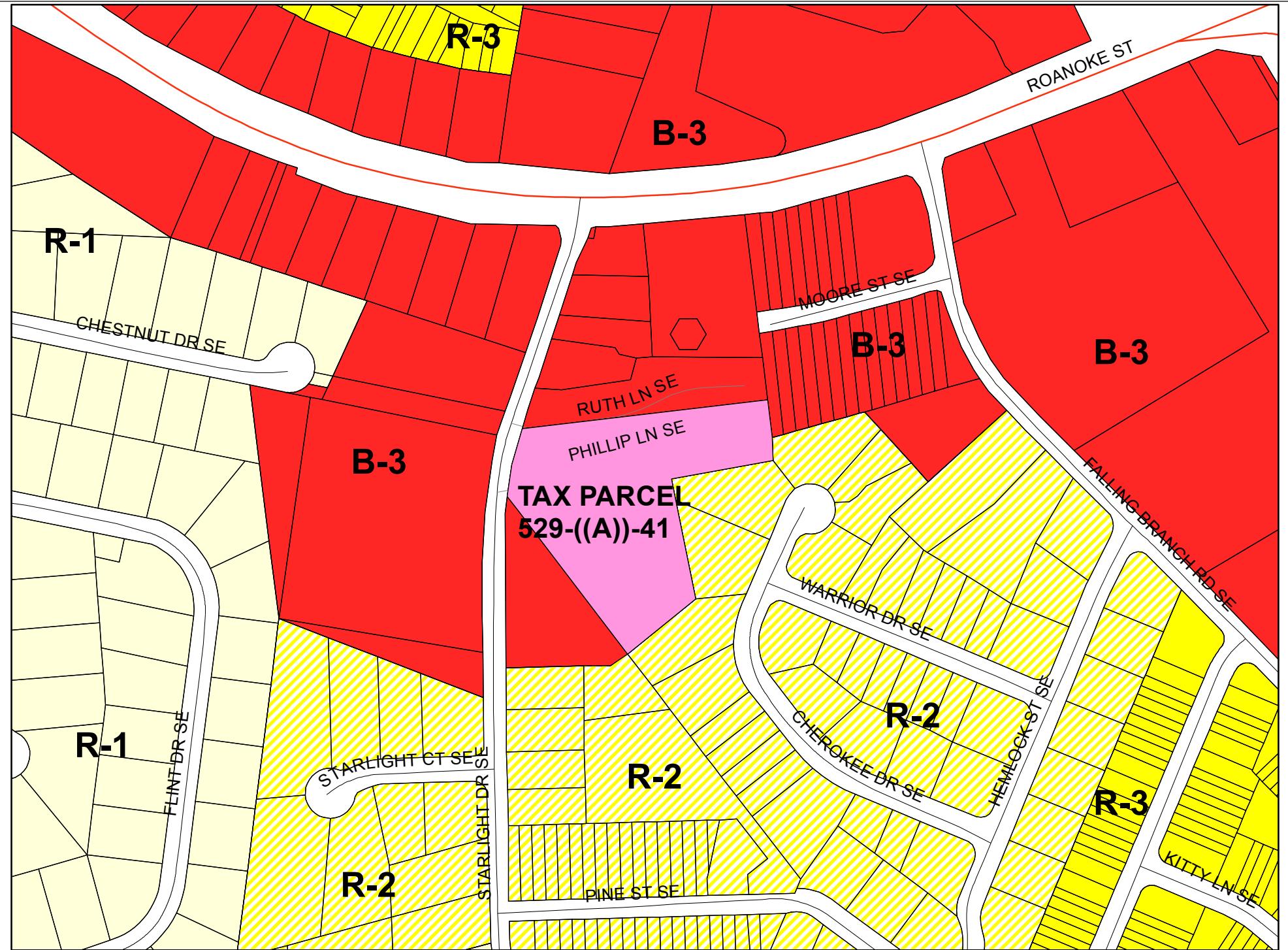


CUP REQUEST: Starlight Drive

PC: APRIL 20, 2015

TC: MAY 12, 2014

0 100 200 300
Feet



CUP REQUEST: Starlight Drive

PC: APRIL 20, 2015

TC: MAY 12, 2015

0 200 400 600
Feet

<u>Tax Map #</u>	<u>Owner(s)</u>	<u>Address</u>	<u>City, State, Zip</u>
529- A 44	EANES HAROLD V	760 MOUNTAINVIEW DR	CHRISTIANSBURG VA 24073
529- A 11	CRAFT REAL ESTATE	P O BOX 330	CHRISTIANSBURG VA 24068
529- 30 2	SPRINGHILL INVESTMENTS INC	1505 ROANOKE ST	CHRISTIANSBURG VA 24073
529- 5 16-19	MILLER IRENE CHRISTINE	1575 MOORE ST	CHRISTIANSBURG VA 24073
529- 30 3	SPRINGHILL INVESTMENTS INC	1505 ROANOKE ST	CHRISTIANSBURG VA 24073
529- A 42A	MASSIE BILLY D	185 TUNNEL CIR	CHRISTIANSBURG VA 24073
529- A 11A	CRAFT REAL ESTATE	P O BOX 330	CHRISTIANSBURG VA 24068
529- A 13	BEASLEY PEGGY A	365 STARLIGHT DR	CHRISTIANSBURG VA 24073
529- A 41	STARLIGHT MHP LLC	185 TUNNEL CIR	CHRISTIANSBURG VA 24073
529- 23 16	THOMAS BETTY J SUTPHIN ETAL	600 RADFORD ST	CHRISTIANSBURG VA 24073
529- 23 15	THOMAS BETTY J SUTPHIN	600 RADFORD ST	CHRISTIANSBURG VA 24073
529- A 15	CUPP FRANK A JR	P O BOX 2574	CHRISTIANSBURG VA 24068
529- 23 14	CHRISTIAN JAMES W	375 CHEROKEE DR	CHRISTIANSBURG VA 24073
529- 22 6	LANCASTER LOIS A	385 B CHEROKEE DR	CHRISTIANSBURG VA 24073

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 Billy Massie (agent for Starlight MHP, LLC) for property located on Starlight Drive (tax parcel 529 – ((A)) – 41) for the expansion of an existing mobile home park with one single-wide mobile home and on single family residences in the B-3 General Business 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 Billy Massie (agent for Starlight MHP, LLC) for property located on Starlight Drive (tax parcel 529 – ((A)) – 41) for the expansion of an existing mobile home park with one single-wide mobile home and one single family residence in the B-3 General Business 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 expansion of the mobile home park is limited to the addition of one single wide mobile home and one single family residence.
2. The addition of mobile homes or other residential units requires a separate Conditional Use Permit.

Dated this the _____ day of _____ 2015.

Craig Moore, Chairperson
Christiansburg Planning Commission

The above Resolution was adopted on motion by _____ seconded by _____ 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 April 20, 2015. 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				
Ann H. Carter				
Harry Collins				
David Franusich				

Steve Huppert

Hil Johnson

T.L. Newell

Virginia Peeples

Craig Moore, Chairperson

Joe Powers, Vice-Chairperson

Jennifer D. Sowers

Craig Moore, Chairperson

Nichole Hair, Secretary Non-voting

DRAFT