

Town of Christiansburg Planning Commission

100 East Main Street
Christiansburg, Virginia 24073-3029
Telephone: (540) 382-6128
Fax: (540) 382-7338
June 22, 2015

To all concerned parties:

Planning Commission

Chairperson
Craig Moore

Vice-Chairperson
Jennifer D. Sowers

Secretary^{Non-Voting}
Nichole Hair

Other Members
Matthew J. Beasley
Ann H. Carter
Harry Collins
David Franusich
Steve Huppert
Hil Johnson
T.L. Newell
Virginia Peeples
Joe Powers

Planning Director

Nichole Hair

Town Manager

Barry D. Helms

Town Attorney

Guynn &
Dillon, P.C.

Notice is hereby given that the Christiansburg Planning Commission will be meeting in the Christiansburg Town Hall located at 100 E. Main Street, Christiansburg, Virginia on **Monday, June 29, 2015 at 7:00 p.m.** for the purpose of allowing the full Commission to review the following:

PLEDGE OF ALLEGIANCE

- 1) Public comments – 5 minute limit per citizen.
- 2) Approval of Planning Commission Minutes for June 15, 2015 meeting.
- 3) Planning Commission discussion on a Conditional Use Permit request by Matthew Hicks, agent for Andrews Roofing and Construction, LLC, for a single family residence at 100 Depot Street, N.E. (tax parcel 496 – ((15)) – 61A) in the B-3 General Business District.
- 4) Discussion of a Conditional Use Permit approved on November 20, 2010 for a towing service at 2000 Roanoke Street (tax parcel 499 – ((A)) – 14) in the B-3 General Business District.
- 5) Discussion of chickens in residential districts.
- 6) Other business.

The next regular Planning Commission meeting date is scheduled for Monday, July 13, 2015 at 7:00 p.m.

For a description of the preceding items or to view the Town's Zoning Map, Zoning Ordinance, and Future Land Use Map contact the Planning Department in the Christiansburg Town Hall, 100 East Main Street, Christiansburg, VA 24073-3029 during normal office hours of 8:00 a.m. - 5:00 p.m. Monday through Friday. Written comments may be sent to the preceding address; please allow adequate mailing time.

Sincerely,

Sara Morgan
for
Nichole Hair, Secretary
Christiansburg Planning Commission

SEM: sem

**Christiansburg Planning Commission
Minutes of June 15, 2015**

Present: Matthew J. Beasley
Ann Carter
Harry Collins
David Franusich
Hil Johnson
Steve Huppert
T.L. Newell
Virginia Peeples
Joe Powers
Craig Moore, Chairperson
Jennifer D. Sowers, Vice-Chairperson (arrived 7:05 PM)
Nichole Hair, Secretary Non-Voting

Absent: None

Staff/Visitors: Sara Morgan, staff
Tabitha Proffitt, staff
Cindy Wells Disney, Montgomery County Planning Commission
Ann Hess, 70 Crescent Drive
James C. Dobbins, 185 South Central Drive

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. Hearing no public comments, Chairperson Moore closed the floor for public comment.

Approval of meeting minutes for June 1, 2015.

Chairperson Moore introduced the discussion. Commissioner Carter made a motion to approve the Planning Commission meeting minutes. Commissioner Beasley seconded the motion, which passed 9-0. Commissioner Franusich abstained, as he was not present at the last meeting.

Planning Commission discussion on a Conditional Use Permit request by James C. Dobbins for a major home occupation for firearms sales at 185 South Central Drive, N.W. (tax parcel 434 – ((5)) – 155) in the R-1 Single Family Residential District. The Planning Commission public hearing was held on June 1, 2015.

Chairperson Moore reminded the Planning Commissioners if they would be abstaining from voting, they would also need to reframe from discussion.

Chairperson Moore added the Planning Commission's duty is to consider land use.

Planning Commission discussion on a Conditional Use Permit request by James C. Dobbins for a major home occupation for firearms sales at 185 South Central Drive, N.W. (tax parcel 434 – ((5)) – 155) in the R-1 Single Family Residential District – (continued).

Commissioner Carter stated she had served 21 years on Town Council and served 40 years on Planning Commission.

Commissioner Carter stated she has sat through many public hearings. Commissioner Carter added people do not always understand or misinterpret what is going on. Commissioner Carter stated at the last public hearing people rushed to judgment and became emotional over the word gun. Commissioner Carter added the Planning Commission should not rush to judgment. Commissioner Carter stated the applicant is a law abiding citizen with local, state, and federal checks. Commissioner Carter stated the local policemen and women, who carry guns, do not have to abide by these rules.

Ms. Hair indicated she has provided information to the Planning Commission from the ATF representative and the Police Department. Ms. Hair stated the Police Department has not done a traffic study in that neighborhood. Ms. Hair added there have been two summons issued for other traffic violations. Ms. Hair stated some draft conditions have been provided. Ms. Hair added the definitions of major and minor home occupations have been included. Ms. Hair stated all home occupations for the neighborhood have been provided and there are currently six with business licenses.

Commissioner Powers detailed the difference between a major and minor home occupation. Commissioner Powers stated Mr. Dobbins falls under the major home occupation because of the retail aspect of the business.

The Planning Commission had discussion regarding the number of transactions and what constitutes a transaction. Ms. Hair stated she would view a transaction to include gun sales and registration paperwork. Ms. Hair stated the business licensing should detail the amount of sales being done.

Chairperson Moore stated he continues to renew his CDL because it took a lot of time and effort to obtain in the first place, even though he does not use his CDL professionally. Chairperson Moore added he did not feel the hobby aspect of the Federal Firearms License is relevant to the discussion.

Commissioner Johnson stated there are more citizens that have firearms and ammunition in their residence and singling him out is unfair. Commissioner Johnson stated one of his neighbors had a yard sale which included the sale of firearms. Commissioner Johnson added Mr. Dobbins is a more controlled situation. Commissioner Johnson stated he is unaware of anything in the Town Code that would allow the Planning Commission to deny the request. Commissioner Franusich stated he agrees with Commissioner Johnson. Commissioner Franusich stated while traffic is of concern, with only 3 transactions in a year the traffic will not be impacted.

Planning Commission discussion on a Conditional Use Permit request by James C. Dobbins for a major home occupation for firearms sales at 185 South Central Drive, N.W. (tax parcel 434 – ((5)) – 155) in the R-1 Single Family Residential District – (continued).

Commissioner Powers stated there is not a huge amount of retail sales. Commissioner Powers added the Planning Commission can limit the number of transactions and reduce impacts to the neighborhood.

Commissioner Beasley stated the neighborhood's first fear was a gun shop being in the neighborhood, but that is not the case. Commissioner Huppert stated he believes the drafted conditions cover the concerns well. Commissioner Collins state he cannot find any issue as to why the request cannot be approved.

Commissioner Collins made a motion to recommend approval of the Conditional Use Permit request with the drafted conditions. Mr. Dobbins requested to have the conditions reviewed.

Chairperson Moore read the drafted conditions.

- 1) No more than 3 transactions shall be processed during a 12 month period.
- 2) Security lighting and a home security system shall be installed before any transactions occur on the property.
- 3) No ammunition shall be sold.
- 4) All firearms shall be stored within a secured safe.
- 5) This permit shall be subject to review by the Planning Commission in one year.

Mr. Dobbins apologized for being late. Mr. Dobbins stated he does not sell guns and ammunition together. Mr. Dobbins added the Federal Firearms License does not cover ammunition. Mr. Dobbins stated he does not stock anything and he rarely has held a gun for more than one day. Chairperson Moore stated wants to keep the discussion about the drafted conditions.

Chairperson Moore asked Mr. Dobbins to clarify sales and paperwork transactions. Mr. Dobbins stated all paperwork must be completed before a gun can be transferred.

Mr. Dobbins stated he has locks on every door of his home and does have motion lights installed. Mr. Dobbins added he does not feel the need for a home security system and does not want to spend money on a home security system. Commissioner Huppert inquired if this type of lighting would be acceptable. Ms. Hair indicated she would consider that security lighting. Mr. Dobbins stated his brother-in-law is a sheriff's deputy and he drives by his house when Mr. Dobbins is out of town.

Mr. Dobbins stated he believes there should be only one stipulation that the public shows his license is detrimental to them. Chairperson Moore stated the purpose of the conditional use permit is to insure the business is not detrimental before it is an issue.

Planning Commission discussion on a Conditional Use Permit request by James C. Dobbins for a major home occupation for firearms sales at 185 South Central Drive, N.W. (tax parcel 434 – ((5)) – 155) in the R-1 Single Family Residential District – (continued).

Commissioner Peeples inquired about the amount of ammunition Mr. Dobbins has sold. Mr. Dobbins stated he does not normally sell ammunition, only for special instances.

Commissioner Huppert suggested amending the conditions. Commissioner Huppert recommended Mr. Dobbins be restricted to 6 transactions during a 12 month period. Commissioner Huppert recommended the requirement of a home security system be stricken from the conditions and Mr. Dobbins be required to maintain security lighting. Commissioner Huppert recommended Mr. Dobbins be allowed to sell ammunition, but not in connection with a firearm. Commissioner Huppert recommended Mr. Dobbins be required to secure the firearms, but does not have to be in a safe. Mr. Dobbins agreed with these conditions.

Commissioner Powers inquired about defining a transaction. It was agreed a transaction would include a consumer acquiring something from Mr. Dobbins, including paperwork or a sale of a firearm or ammunition.

Commissioner Collins requested clarification of background checks. Mr. Dobbins stated background checks are required and he does conduct those.

Commissioner Franusich indicated he felt other home occupations produced more traffic than Mr. Dobbins. Commissioner Franusich stated a home day care can have up to 5 children as a minor home occupation and would most likely have 10 trips or vehicles to a property in one day. Commissioner Franusich suggested amending the conditions to allow 12 transactions in a 12 month period. The Planning Commission agreed to this change.

Chairperson Moore read the revised draft conditions:

- 1) No more than 12 transactions shall be processed during a 12 month period.
- 2) Security lighting shall be maintained on the property.
- 3) No ammunition shall be sold with a firearm transaction.
- 4) All firearms shall be stored within a secured location.
- 5) This permit shall be subject to review by the Planning Commission in one year.

The Planning Commission noted ATF has the right to check the property on an annual basis too.

Mr. Dobbins expressed concerns over a second sign being placed on his property. Chairperson Moore explained the Town does it due diligence to notify the public of the public hearings for the Planning Commission and Town Council.

Commissioner Powers stated he will be voting against the request because ammunition is allowed to be sold by Mr. Dobbins.

Planning Commission discussion on a Conditional Use Permit request by James C. Dobbins for a major home occupation for firearms sales at 185 South Central Drive, N.W. (tax parcel 434 – ((5)) – 155) in the R-1 Single Family Residential District – (continued).

Commissioner Newell stated she will be voting against the request due to the established residential neighborhood, the ammunition being sold and lack of security system.

Commissioner Huppert made a motion to recommend to Town Council the request be approved with the 5 drafted conditions. Commissioner Beasley seconded the motion, which passed 8-2.

Ms. Hair and Chairperson Moore explained the next steps for the Town Council public hearing and decision.

Mr. Dobbins asked for clarification on the minor and major home occupation differentiation. Chairperson Moore recommended Mr. Dobbins review the Town Code for that information.

Other Business.

Commissioner Johnson presented information from the 84th VA Certified Planning Commissioners Program. Commissioner Johnson went over the requirements for the program. Commissioner Johnson provided his key takeaways from the program thus far.

Commissioner Powers stated the Development and Comprehensive Plan Subcommittees met last Tuesday with Jerry Heinline, Building Official. Commissioner Powers stated Mr. Heinline confirmed Christiansburg has adopted the Rehab and Maintenance Codes. Commissioner Powers noted the need for more staff in the Planning and Building Departments. Commissioner Powers stated the next Development Subcommittee meeting will discuss food trucks and setbacks. Commissioner Newell stated she is impressed with what staff is able to do with limited amount of resources. Commissioner Collins gave support to the work Mr. Heinline has provided to the town.

There being no more business, Chairperson Moore adjourned the meeting at 8:23 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

Landowner: Matthew Hicks Agent: _____
Address: 607 1/2 South Franklin St Address: _____
Phone: 540-320-5481 Phone: _____

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

Christiansburg Town Code.

My property is located at 100 Depot St NE

Tax Parcel(s): 496-156(A) , 013089 ,

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): Date: 6-5-15

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** _____

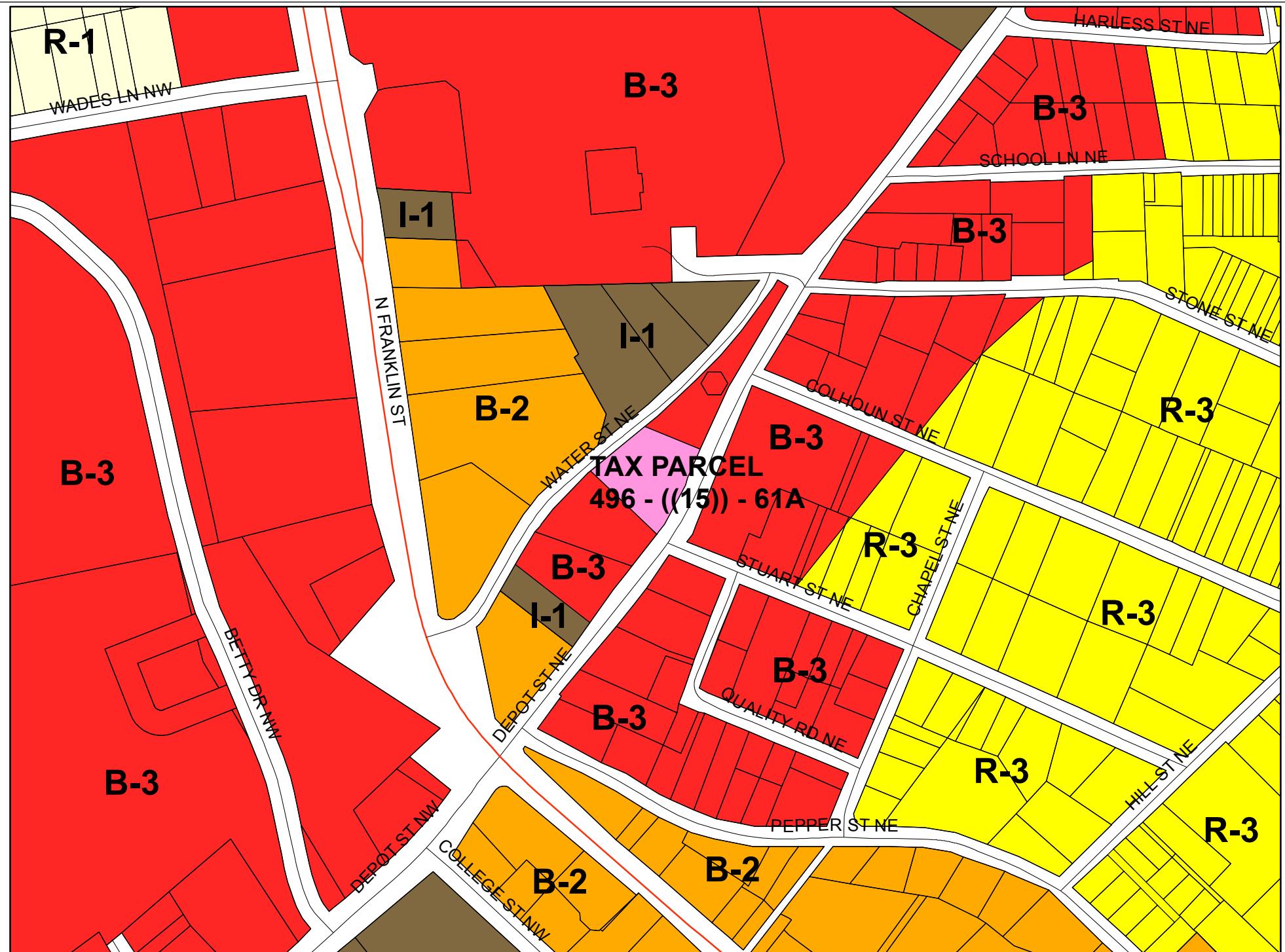


CUP REQUEST: 100 Depot Street NE

PC: JUNE 29, 2015

TC: JULY 28, 2015

0 100 200 300
Feet



CUP REQUEST: 100 Depot Street NE

PC: JUNE 29, 2015

TC: JULY 28, 2015

0 200 400 600
Feet

CUP Request: 100 Depot Street NE

| <u>Tax Map #</u> | <u>Owner(s)</u> | <u>Mailing Address</u> | <u>City, St, Zip</u> |
|------------------|-------------------------------|------------------------|-------------------------|
| 496- 27 5 | CHRISTIANSBURG TOWN OF | | |
| 497- A291 | ST JOHN MASONIC LODGE AT | | |
| 496- 15 61B | ANDREWS ROOFING & | CHRISTIANSBURG #35 | CHRISTIANSBURG VA 24073 |
| 496- A 45 | MILLS & FLINCHUM LLC | CONSTRUCTION LLC | BLACKSBURG VA 24063 |
| 496- A 44 | GRAY JAMES Z | | ROANOKE VA 24017 |
| 496- A 43 | EGGLESTON THOMAS P | FOX ALLISON L | CHRISTIANSBURG VA 24073 |
| 497- 25 45A | TAYLOR JAMES C III | EGGLESTON HEATHER LEE | CHRISTIANSBURG VA 24073 |
| 497- 25 45 | TAYLOR JAMES C III | | CHRISTIANSBURG VA 24073 |
| 497- 25 24 | GORDON BARBARA D | | CHRISTIANSBURG VA 24073 |
| 496- A 57 | RPP LLC | | CHRISTIANSBURG VA 24068 |
| 496- 15 2 | ASBURY UNITED METH CHURCH TRS | C/O BOARD OF TRUSTEES | CHRISTIANSBURG VA 24073 |
| 496- 15 61A | ANDREWS ROOFING & | CONSTRUCTION LLC | CHRISTIANSBURG VA 24073 |
| 496- 15 61 | MARSHALL JACQUELINE | | RINER VA 24149 |
| 526- 2 55 | DOOLEY DONALD | DOOLEY SANDRA J | LINDEN NJ 07036 |



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, June 29, 2015 at 7:00 p.m.

Town Council Public Hearing Date: Tuesday, July 28, 2015 at 7:00 p.m.

Application Type: Conditional Use Permit

Applicant: Matthew Hicks, Agent for Andrews Roofing & Construction, LLC

Location: 100 Depot Street, N.E.

The Town of Christiansburg has received a Conditional Use Permit request by Matthew Hicks, agent for Andrews Roofing and Construction, LLC, for a single family residence at 100 Depot Street, N.E. (tax parcel 496 – ((15)) – 61A) in the B-3 General Business District.

The property is located within the 100-Year and 500-Year Flood Hazard Areas. The property does not lie within a Historic District. The adjoining properties are zoned B-3 General Business, B-2 Central Business and I-1 Limited Industrial. The adjoining properties contain businesses, residences and vacant lots.

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 request made by Jeff Anderson (acting as agent for property owner L & R Burch Properties LLC) for a towing service at 2000 Roanoke Street (tax parcel 499 – ((A)) – 14) in the B-3 General Business District, has found following a duly advertised Joint Public Hearing with Council that the public necessity, convenience, general welfare and good zoning practices (**permit / ~~do not permit~~**) the issuance of a Conditional Use Permit (CUP) to Jeff Anderson (acting as agent for property owner L & R Burch Properties LLC) for a towing service at 2000 Roanoke Street (tax parcel 499 – ((A)) – 14) 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 Conditional Use Permit with the following conditions:

1. The property is to be maintained in a clean, sanitary, and sightly manner.
2. This permit is for a towing service, not a commercial garage or body shop or for conducting bodywork.
3. All parts, including faulty parts, tires, etc. are to be kept inside the garage or a fully enclosed building (including a roof) until disposal.
4. All waste petroleum products and/or chemicals are to be disposed of properly and are not to accumulate upon the premises. Provisions are to be made for the capture of leaking petroleum products and/or chemicals.
5. There will be no storage of vehicles upon the premises except for vehicles left for temporary storage. All vehicles are to be kept on-premises and not within any public right-of-way or adjacent property. Any towed vehicles are to remain on-premises no longer than six months.
6. Mechanical work is not to be performed on-site.
7. There are to be no loud offensive noises so as to constitute a nuisance to the residential properties in the vicinity.
8. There are to be no discernible noises to residential properties in the nearby vicinity between 7:00 p.m. and 7:00 a.m..
9. This permit shall be revocable for violations of Chapter 3 “Advertising” of the Christiansburg Town Code occurring on the property.
10. All towed vehicles are to be screened from adjoining properties and rights-of-way.
11. This permit shall be subject to review by the Planning Commission in six months.
12. This permit shall be valid for the present applicant only and is non-transferrable.

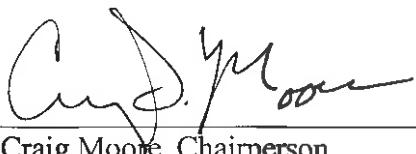
Dated this the 1st day of November 2010.



Craig Moore, Chairperson
Christiansburg Planning Commission

The above Resolution was adopted on motion by Booth seconded by Conner at a meeting of the Planning Commission following the posting of a public hearing notice upon the property and a duly advertised Joint Public Hearing on the above request on October 19, 2010. 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> |
|-----------------------------------|-------------|-------------|----------------|---------------|
| Wayne E. Booth | X | | | |
| Ann H. Carter | X | | | |
| Kevin D. Conner, Vice-Chairperson | X | | | |
| Steve Huppert | X | | | |
| Craig Moore, Chairperson | X | | | |



Craig Moore, Chairperson



Randy Wingfield, Secretary Non-voting

| Next Review/ Renewal | Date Inspected | Staff Person | Body | Location | Action Required |
|-------------------------|-------------------|-----------------------------------|------------------------|------------------------|--|
| 5/2/2011 | | | Planning Commission | 2000 Roanoke Street | Jeff Anderson CUP review - towing service |
| | 2/20/2015 | Sara Morgan | | | #10 part of the screening has fallen down; spoke with Jeff Anderson |
| | 3/20/2015 | Sara Morgan & Tabitha Proffitt | | | #10 part of the screening has fallen down; left voicemail for Jeff Anderson |
| | 4/17/2015 | Sara Morgan & Tabitha Proffitt | | | # 10 part of the screening has fallen down; picture taken |
| | 5/15/2015 | Missy Martin | | | compliant |
| | 6/19/2015 | Sara Morgan & Tabitha Proffitt | | | # 10 part of the screening has fallen down; picture taken |



02.20.2015 10:02



03.20.2015 13:50



04.17.2015 13:53



06.19.2015 11:20

Chapter 42 ZONING

ARTICLE II. AGRICULTURAL DISTRICT A

Sec. 42-33. Permitted uses.

In the A Agricultural District, structures to be erected, or land to be used, shall be for one or more of the following uses:

- (3) Pens for animals or **poultry** or those intensive agricultural operations commonly known as confinement operations where large numbers of animals or fowl are confined to a relatively small space, such as veal or poultry pens or houses, feedlots and dairying operations, with a conditional use permit. An enclosure for less than 100 fowl and enclosed pasture or range with an area in excess of 100 square feet for each small animal or 4,000 square feet for each larger animal, such as horses, ponies, cattle or sheep, shall not require a conditional use permit.

ARTICLE III. RURAL RESIDENTIAL DISTRICT R-1A

Sec. 42-68. Permitted uses.

In the R-1A Rural Residential District, structures to be erected, or land to be used, shall be for one or more of the following uses:

- (2) Agriculture and forestry, but not including pens, as herein defined, or the raising or keeping of swine or goats. Enclosures for horses of at least 8,000 square feet for each horse.

Chapter 8 ANIMALS

ARTICLE II. LIVESTOCK AND OTHER FARM ANIMALS

Sec. 8-32. Stables, cow barns, chicken houses, etc.

All stables, cow barns, **chicken houses**, doghouses, kennels or other facilities for keeping horses, cows, dogs, rabbits, fowl, poultry, birds and all other animals or **fowl kept or maintained within the town, where permitted by the underlying zoning regulations**, shall be expressly under the supervision and regulations of the health department. Stables, cow barns, chicken houses, doghouses, kennels or other facilities for housing animals or fowl shall be kept in a clean and sanitary condition for the protection of health and shall be so kept as not to give rise to objectionable odors upon any public highway or upon any premises owned or occupied by any person other than the person maintaining such stables, cow barns, chicken houses, doghouses or kennels.