

Christiansburg Planning Commission
Minutes of November 2, 2015

Present: Matthew J. Beasley
Ann Carter
Harry Collins
Hil Johnson
Craig Moore, Chairperson
Joe Powers
Jennifer D. Sowers, Vice-Chairperson
Nichole Hair, Secretary Non-Voting

Absent: David Franusich
Steve Huppert
T.L. Newell
Virginia Peeples

Staff/Visitors: Sara Morgan, staff
Will Drake, staff
Gary Hanson, 300 East Main Street.
Glenn and Karen Smith, 305 East Main Street.
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. With no comments, Chairperson Moore closed the floor for public comment.

Approval of meeting minutes for October 19, 2015.

Chairperson Moore introduced the discussion. Commissioner Collins made a motion to approve the October 19, 2015 Planning Commission meeting minutes. Commissioner Beasley seconded the motion, which passed 6-0. Commissioner Sowers abstained, as she was not present for the last meeting.

Review of conditional use permit for a bed and breakfast at 305 E. Main Street. The conditional use permit was approved by Town Council on October 14, 2014.

Chairperson Moore stated that this was Planning Commission's one-year review of the conditional use permit.

Review of conditional use permit for a bed and breakfast at 305 E. Main Street. The conditional use permit was approved by Town Council on October 14, 2014 – (continued)

Ms. Hair noted the applicants were in attendance. Ms. Hair added that the applicants have not fully completed their site plan and therefore the property is not currently in operation as a bed and breakfast. Ms. Smith stated they plan to open in the next three to four months. Ms. Smith added the renovations were more extensive than anticipated. Ms. Smith stated they currently have a single bedroom available for rent. Commissioner Collins commended the applicants on their hard work.

Commissioner Powers asked Ms. Hair if the applicants' actions and renovations to date are substantial enough to put the conditional use permit into effect. Ms. Hair stated that the conditional use permit is in effect, based on the applicant's actions. Chairperson Moore reiterated for the record that this is an on-going operation.

Chairperson Moore asked Ms. Hair if there were any other issues. Ms. Hair stated that the Smith's are advertising the single room they have available through Airbnb (web-based listing service). Ms. Hair stated their property is zoned R-3 Multi-Family Residential, which allows for two unrelated persons to stay in the home. Ms. Hair stated they are in compliance with Zoning.

Mr. Hanson, 300 East Main Street, stated that there are three bed and breakfast establishments located along a block of East Main Street. Mr. Hanson added the residents in this neighborhood want to ensure that all of the conditions set forth in the conditional use permits are met before the establishments are open for business. Chairperson Moore encouraged Mr. Hanson to bring those issues before Planning Commission during the public comment section of the meeting. Chairperson Moore reiterated Planning Commission's interest in hearing concerns or issues from residents. Ms. Hair advised Mr. Hanson the Town office and the Planning Department specifically are always available to respond to complaints or concerns from residents.

Ms. Smith asked if parking was prohibited on the street. Ms. Hair responded that the applicants are allowed to park on the street, but one of the conditions presented in their site plan requires them to provide on-site parking so that guests of their bed and breakfast do not park on the street.

Commissioner Powers inquired about the parking restrictions on East Main Street. Ms. Hair stated that the intent of the Smith's Conditional Use Permit was to prevent the guests of the bed and breakfast from parking on the street. Ms. Hair stated this is why the site plan detailing added parking was included with the Conditional Use Permit. Ms. Hair stated the site plan details four additional spaces added to the property through the use of pervious pavers.

Review of conditional use permit for a bed and breakfast at 305 E. Main Street. The conditional use permit was approved by Town Council on October 14, 2014 – (continued)

Commissioner Powers inquired about the number of unrelated guests that are allowed to stay with a resident under Town Code. Ms. Hair stated that R-1 Single Family Residential allows for one unrelated person per unit and the other zoning districts allow for two unrelated persons per unit. Chairperson Moore noted that renting out a room, as the Smith's are currently doing, to no more than two unrelated persons is allowed under their property's R-3 Multi-Family Residential zoning. Chairperson Moore stated these current actions are not part of the bed and breakfast use, and so the parking restrictions put in place through the Conditional Use Permit do not apply. Chairperson Moore encouraged the Smith's to be conscious and aware of their Conditional Use Permit and the parking concerns raised by neighbors.

Ms. Hair asked about next steps for future review. Chairperson Moore suggested that the Conditional Use Permit be reviewed again in one year. Commissioner Sowers agreed that this would give the Smith's time to open and begin operating the bed and breakfast. With no objections, Chairperson Moore stated the conditional use permit will be reviewed a year from now and reminded the Smith's to remain aware of the conditions outlined in their permit.

Chairperson Moore stated Planning Commission is interested in hearing any issues that neighbors are having. Chairperson Moore added Town staff performs monthly checks on Conditional Use Permits, but there may be issues they are not aware of. Chairperson Moore stated active involvement from affected residents is appreciated.

Discussion by Planning Commission regarding urban chickens.

Chairperson Moore reviewed the documents assembled by staff relating to urban chickens. This included the ordinance comparison report from neighboring localities, a draft ordinance, and a draft zoning permit. Chairperson Moore noted the ordinance and permit were updated to include the items requested by Planning Commission at the previous meeting.

Commissioner Collins stated that Council wants to vote on this issue. Ms. Hair added that Town Council wants a formal recommendation from Planning Commission for next steps. Chairperson Moore stated that Town Council wants to move forward on this issue. Commissioner Powers suggested Planning Commission make a recommendation on the proposed draft ordinance and zoning permit and give Town Council the opportunity to set a public hearing.

Ms. Hair reminded Planning Commission that the proposed zoning ordinance and proposed zoning permit were amended by staff to reflect the changes Planning Commission requested at the last meeting.

Discussion by Planning Commission regarding urban chickens – (continued).

Chairperson Moore inquired about the permit fee being placed within the ordinance. Ms. Hair stated it was necessary to place the fee in the ordinance, since fees are set by Town Council. Ms. Hair added this fee is a recommendation.

Chairperson Moore suggested the Planning Commission wait until they have more commissioners present before voting on the recommendation.

Commissioner Johnson inquired about the relationship between the zoning ordinance and the zoning permit. Ms. Hair stated that Town Council wants to consider this use for all residential districts. Ms. Hair added the change in the zoning code would allow residents in the R-1, R-1A, R-2 and R-3 residential zoning districts to keep chickens, provided they meet the conditions set forth. Ms. Hair stated residents would be required to obtain an annual, renewable permit. Ms. Hair added the permit will give staff the ability to review the proposed use and ensure residents are in compliance.

Chairperson Moore stated that a Conditional Use Permit had been considered when Planning Commission addressed this topic in 2011, but Planning Commission determined the fee would have been cost prohibitive. Chairperson Moore stated the zoning permit is more reasonable, while still allowing for the appropriate amount of oversight.

Chairperson Moore inquired about Ms. Hair's authority to address issues of non-compliance. Ms. Hair stated chicken keeping would be handled no differently than any other zoning violation. Ms. Hair stated this would include the standard notification process for a zoning violation and a thirty-day window for the resident to come into compliance. Ms. Hair stated if non-compliance persisted after thirty days, the zoning ordinance would allow for the birds to be removed. Ms. Hair stated staff would be willing to work with residents if more time was needed to relocate the birds and ensure their well-being.

Chairperson Moore commented that he would like the permit to include a reference to the non-compliance procedures of the zoning code. Chairperson Moore stated it would be ideal for residents to be aware of the actions the Town may take if chickens are not kept in compliance with the zoning ordinance.

Commissioner Powers stated that a zoning permit, in general, is very common practice. Ms. Hair agreed. Ms. Hair stated a zoning permit for chickens would be new subject material, but the permit process itself would not be new to staff.

Chairperson Moore asked if there would be value in a higher fee for the initial permit to account for the additional time staff will spend with the applicant to ensure compliance. Ms. Hair indicated that while a new permit may require more staff time, she views this as part of staff's duty to serve the public.

Discussion by Planning Commission regarding urban chickens – (continued).

Commissioner Collins asked Ms. Hair if she was concerned with the amount of time staff will have to dedicate to the permitting process. Commissioner Sowers stated her belief that participation was going to be very limited. Ms. Hair agreed and stated that the proposed setback requirements will limit the number of residents who can locate a coop on their property.

Ms. Hair indicated that staff will make some minor revisions based on the discussion tonight and will share the updated draft zoning ordinance and zoning permit with Planning Commission by the next meeting, even if this is not discussed again until the November 30, 2015 meeting.

Chairperson Moore stated that during the November 30, 2015 meeting, Planning Commission will vote on a recommendation of moving this forward to Town Council. Ms. Hair responded that if this is Planning Commission's wish, they may vote on a recommendation that Town Council hold a public hearing with this proposed draft ordinance. Chairperson Moore would present the recommendation to Town Council. Ms. Hair stated that she will confer with the Mayor about scheduling and a public hearing would likely take place in December.

Other Business.

Ms. Hair provided the Commissioners with information packets she acquired during a recent training course. The packets contained information on parliamentary procedures, the Virginia Freedom of Information Act, the Virginia Conflict of Interests Act, and the Virginia Public Records Act.

Ms. Hair informed Planning Commission that she has recommended a joint meeting between the Comprehensive Plan Subcommittee and the Development Subcommittee during the week of December 7-11. This will give the two groups an opportunity to discuss their work with respect to the UDAs. Commissioner Powers suggested that the UDA's are broader and will encompass areas beyond downtown and Cambria. Ms. Hair agreed and stated there is still a great deal of overlap between the subcommittees' on-going projects and the UDA project. Ms. Hair affirmed the necessity to have the overall UDA discussion brought before Planning Commission. Ms. Hair reminded Planning Commission that the UDA consultants will present their progress at the Planning Commission meeting on November 16th.

There being no more business, Chairperson Moore adjourned the meeting at 7:39 p.m.

Craig Moore, Chairperson

Nichole Hair, Secretary Non-Voting

DRAFT



TOWN OF CHRISTIANSBURG

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

Conditional Use Permit Application

Landowner: Gary Fair Apple Arez Prop LLC Agent: _____

Address: 3543 Country Meadow dr Address: _____
Colby, VT 24073 _____

I am requesting a Conditional Use Permit to allow 35 9-0, Contractor equipment
Storage

on my property that is zoning classification B-3 under Chapter 42: Zoning of the Christiansburg Town Code.

My property is located at 1950 PALMER, Christiansburg, VA 24073

Tax Parcel(s): 436-(2)-14,15

Scanned to Sara
10-30-15

Fee: **750/-** **algm**
10-30-15

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): Henry Furr Date: 10-15-18

Date: 10-15-18

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 & WADDELL, 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, November 16, 2015 at 7:00 p.m.

Town Council Public Hearing Date: Tuesday, December 8, 2015 at 7:00 p.m.

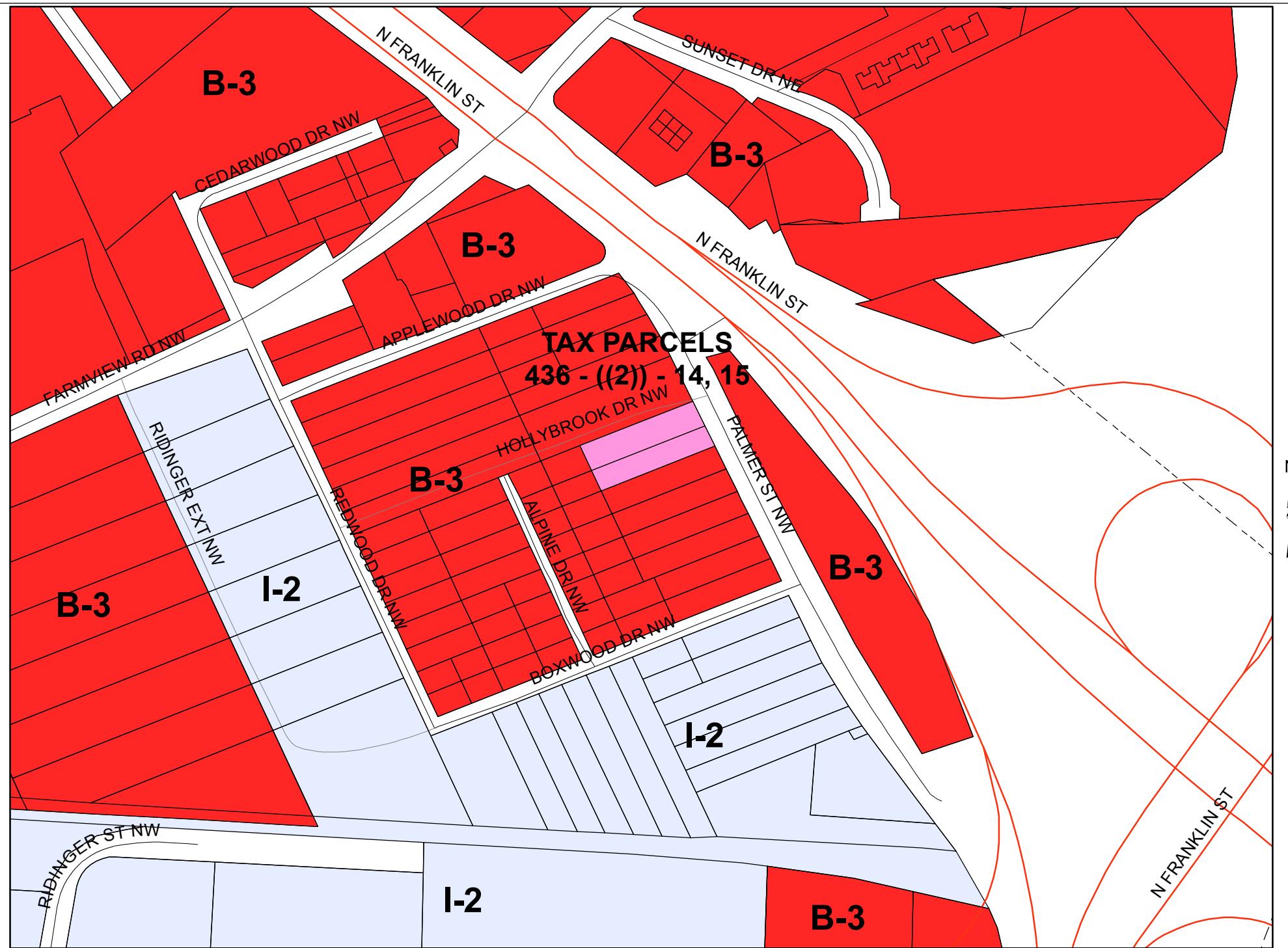
Application Type: Conditional Use Permit

Applicant: Gary Fain, agent for Apple Acres Properties, L.L.C.

Location: 1950 Palmer Street, N.W.

The Town of Christiansburg has received a Conditional Use Permit request by Apple Acres Properties, L.L.C. for contractor equipment storage at 1950 Palmer Street, N.W. (tax parcels 436 – ((2)) – 14,15) in the B-3 General Business District.

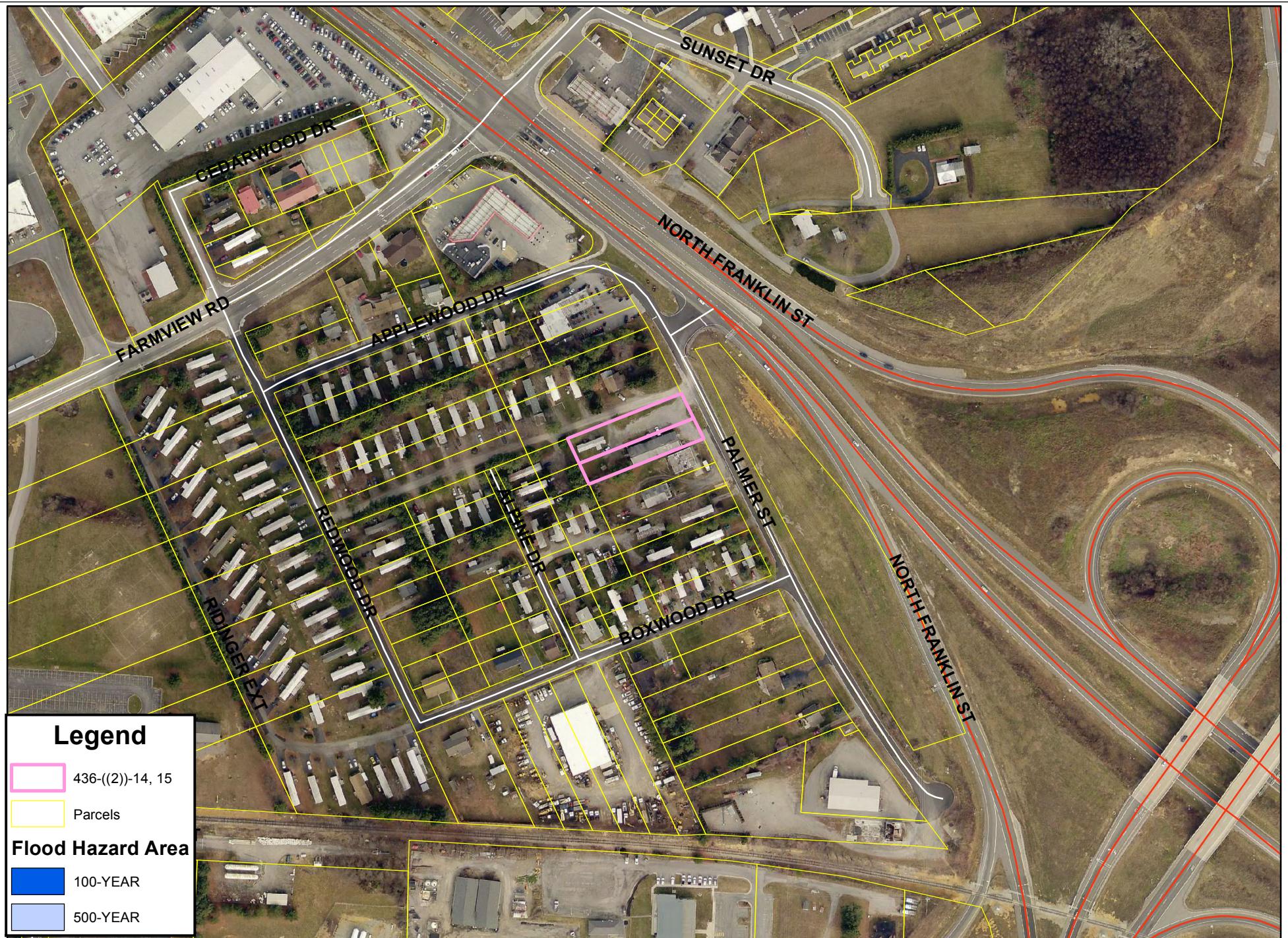
The property is not located within the 100-Year and 500-Year Flood Hazard Areas. The property does not lie within a Historic District. The adjoining properties are zoned B-3 General Business. The adjoining properties contain businesses, and residences.



CUP REQUEST: 1950 Palmer Street NW

PC: NOVEMBER 16, 2015

TC: DECEMBER 8, 2015



CUP REQUEST: 1950 Palmer Street NW

PC: NOVEMBER 16, 2015

TC: DECEMBER 8, 2015

0 100 200 300
Feet

| <u>Tax Map #</u> | <u>Owner(s)</u> | <u>Address</u> | <u>City, State, Zip Code</u> |
|-------------------|------------------------------|------------------------------------|------------------------------|
| 436- 2 21 | SHEETZ JOSEPH M & PATRICIA A | C/O SHEETZ #320 | ALTOONA PA 16602 |
| 436- A 43 | LOCKHART SHIRLEY LIFE EST | ETAL | CHRISTIANSBURG VA 24073 |
| 436- 2 35C | AKERS JOSEPH CLEVELAND | AKERS SHIRLEY H | CHRISTIANSBURG VA 24073 |
| 436- 2 18A,19A,2* | VIERS LIVING TRUST ETAL | C/O JIMMY W & VIRGINIA S VIERS TRS | RINER VA 24149 |
| 436- 2 38A | AKERS JOSEPH C | AKERS SHIRLEY H | CHRISTIANSBURG VA 24073 |
| 436- 2 18A,19A,2* | VIERS LIVING TRUST ETAL | C/O JIMMY W & VIRGINIA S VIERS TRS | RINER VA 24149 |
| 436- 2 18,19,20,* | APPLE ACRES PROPERTIES LLC | C/O JIMMY W & VIRGINIA S VIERS TRS | CHRISTIANSBURG VA 24073 |
| 436- 2 18A,19A,2* | VIERS LIVING TRUST ETAL | C/O JIMMY W & VIRGINIA S VIERS TRS | RINER VA 24149 |
| 436- 2 37,38 | CRABTREE JAMES A | CRABTREE PHYLLIS J | CHRISTIANSBURG VA 24073 |
| 436- 2 18,19,20,* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 436- 2 18,19,20,* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 436- 2 16,17,42,* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 60-63,436* | CONNER KIRBY LYLE | CONNER MYRA JO | CHRISTIANSBURG VA 24073 |
| 436- 2 18,19,20,* | APPLE ACRES PROPERTIES LLC | HIGHWAY DEPT | CHRISTIANSBURG VA 24073 |
| 436- A 25C | VIRGINIA | | |
| 436- 2 18,19,20,* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 436- 2 16,17,42,* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 436- 2 41 | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 436- 2 16,17,42,* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 60-63,436* | CONNER KIRBY LYLE | CONNER MYRA JO | CHRISTIANSBURG VA 24073 |
| 436- 2 14,15 | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 436- 2 16,17,42,* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 436- 2 14,15 | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 436- 2 16,17,42,* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 10A,11A,4* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 436- 2 13 | POFF J C & SHARON B | POFF SHARON B | CHRISTIANSBURG VA 24073 |
| 466- 1 60-63,436* | CONNER KIRBY LYLE | CONNER MYRA JO | CHRISTIANSBURG VA 24073 |
| 466- 1 10A,11A,4* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 436- 2 12 | POFF J C & SHARON | POFF SHARON | CHRISTIANSBURG VA 24073 |
| 466- 1 10A,11A,4* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 436- 2 45A,46A | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 10A,11A,4* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 10A,11A,4* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 436- 2 10,11 | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 60-63,436* | CONNER KIRBY LYLE | CONNER MYRA JO | CHRISTIANSBURG VA 24073 |
| 436- 2 45A,46A | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 10A,11A,4* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 436- 2 45,46 | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 436- 2 10,11 | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 10A,11A,4* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 47A,48A | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 10A,11A,4* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 436- 2 45,46 | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 8,9 | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 10A,11A,4* | APPLE ACRES PROPERTIES LLC | CONNER MYRA JO | CHRISTIANSBURG VA 24073 |
| 466- 1 60-63,436* | CONNER KIRBY LYLE | | CHRISTIANSBURG VA 24073 |
| 466- 1 47A,48A | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 10A,11A,4* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 47,48 | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 8,9 | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 10A,11A,4* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 49C,50C,5* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 10A,11A,4* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 47,48 | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 8A,9A | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 49A,50A,5* | ASHWORTH DONALD RAY | | CHRISTIANSBURG VA 24073 |
| 466- 1 60-63,436* | CONNER KIRBY LYLE | CONNER MYRA JO | CHRISTIANSBURG VA 24073 |
| 466- 1 49C,50C,5* | APPLE ACRES PROPERTIES LLC | | CHRISTIANSBURG VA 24073 |
| 466- 1 6,7 | DRAUGHN C L | DRAUGHN PHYLLIS E | BLACKSBURG VA 24060 |

| <u>Tax Map #</u> | <u>Owner(s)</u> | <u>Address</u> | <u>City, State, Zip Code</u> |
|-------------------|----------------------------|--|------------------------------|
| 466- 1 51B,52B | APPLE ACRES PROPERTIES LLC | 3543 COUNTRY MEADOW DR P O BOX 2282 | CHRISTIANSBURG VA 24073 |
| 466- 1 49-52 | OWENS BETTY MAE | 3543 COUNTRY MEADOW DR | CHRISTIANSBURG VA 24068 |
| 466- 1 8A,9A | APPLE ACRES PROPERTIES LLC | 125 BOXWOOD DR | CHRISTIANSBURG VA 24073 |
| 466- 1 49A,50A,5* | ASHWORTH DONALD RAY | 3543 COUNTRY MEADOW DR | CHRISTIANSBURG VA 24073 |
| 466- 1 49C,50C,5* | APPLE ACRES PROPERTIES LLC | 3543 COUNTRY MEADOW DR | CHRISTIANSBURG VA 24073 |
| 466- 1 51B,52B | APPLE ACRES PROPERTIES LLC | 125 BOXWOOD DR | CHRISTIANSBURG VA 24073 |
| 466- 1 49A,50A,5* | ASHWORTH DONALD RAY | 335 PERRY ST | CHRISTIANSBURG VA 24073 |
| 466- 1 60-63,436* | CONNER KIRBY LYLE | 3543 COUNTRY MEADOW DR | CHRISTIANSBURG VA 24073 |
| 466- 1 49C,50C,5* | APPLE ACRES PROPERTIES LLC | 520 MERRIMAC RD | BLACKSBURG VA 24060 |
| 466- 1 6A,7A | DRAUGHN C L | 125 BOXWOOD DR | CHRISTIANSBURG VA 24073 |
| 466- 1 49A,50A,5* | ASHWORTH DONALD RAY | 520 MERRIMAC RD | BLACKSBURG VA 24060 |
| 466- 1 53-58 | DRAUGHN C L | 520 MERRIMAC RD | BLACKSBURG VA 24060 |
| 466- 1 53-58 | DRAUGHN C L | 520 MERRIMAC RD | BLACKSBURG VA 24060 |
| 466- 1 53-58 | DRAUGHN C L | 520 MERRIMAC RD | BLACKSBURG VA 24060 |
| 466- 1 53-58 | DRAUGHN C L | 520 MERRIMAC RD | BLACKSBURG VA 24060 |