

Christiansburg Planning Commission
Minutes of November 16, 2015

Present: Matthew J. Beasley
Ann Carter
Harry Collins
David Franusich
Hil Johnson
Craig Moore, Chairperson
T.L. Newell
Virginia Peebles
Joe Powers
Nichole Hair, Secretary Non-Voting

Absent: Steve Huppert
Jennifer D. Sowers, Vice-Chairperson

Staff/Visitors: Sara Morgan, staff
Will Drake, staff
Cord Hall, Christiansburg Town Council
Henry Showalter, Christiansburg Town Council
Gary Fain, 3543 Country Meadows Drive
J.C. Poff, 680 Church Street
Jason Poff, 606 East Main Street
Steve Velarde, 1265 Flint Drive
Jim Viers, 1475 Turnberry Lane, Riner VA

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. Steve Velarde, 1265 Flint Drive, expressed his gratitude that urban chickens were up for consideration and inquired about the status of the deliberations. Ms. Hair stated Planning Commission will make a recommendation to Town Council on whether or not to move forward with the proposed ordinance and zoning permit during the November 30th meeting. Ms. Hair added it will be Town Council's decision to set public hearings. Mr. Velarde shared several statistics from the Centers for Disease Control and Prevention (CDC) to demonstrate the relative low risk of salmonella outbreaks from poultry. Mr. Velarde stated the safety risk from chickens is low, compared to many other allowed, everyday practices. Chairperson Moore clarified there was a previous vote on this topic several years ago. Chairperson Moore noted the November 30th vote on this matter will be whether or not Planning Commission recommends Town Council moves forward on this issue.

Public Comment - (continued).

With no further comments Chairperson Moore closed the floor for public comment.

Approval of meeting minutes for November 2, 2015.

Chairperson Moore introduced the discussion. Commissioner Beasley made a motion to approve the November 2, 2015 Planning Commission meeting minutes. Commissioner Collins seconded the motion, which passed 6-0. Commissioners Franusich, Newell, and Peeples abstained, as they were not present for the last meeting.

Planning Commission public hearing on 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.

Gary Fain, the applicant and property owner, introduced his application for the Conditional Use Permit. Mr. Fain stated the building on the property was originally built to store and distribute trees for a Christmas tree farm. Mr. Fain added the building has large doors and ample space but access to the property is not conducive to high-traffic, retail-type uses. Mr. Fain stated he is seeking a Conditional Use Permit because the access limitations of the property and the size of the building make it well-suited for contractor equipment storage. Mr. Fain stated his current tenant is a paving contractor and he stores dump trucks and paving equipment in the building and on the lot. Mr. Fain added the tenant works off-site most days and there is no customer traffic.

Jim Viers, 1475 Turnberry Lane, Riner VA, introduced himself as an adjacent property owner. Mr. Viers stated he owns the building next door, which currently houses Go Race. Mr. Viers stated he is interested in preserving a business environment. Mr. Viers requested there be some shielding or a fence to screen vehicles parked on the applicant's property. Mr. Viers indicated he would like to see most of the vehicles parked inside the building. Mr. Viers reiterated his clients are interested in preserving a business-like environment.

J.C. Poff, 680 Church Street, introduced himself as an adjoining property owner. Mr. Poff stated the current tenants of the parcel in question keep their equipment well-maintained. Mr. Poff added the equipment is washed and clean. Mr. Poff stated he has never had a problem with the current tenants and he hopes they can stay.

Chairperson Moore closed the public hearing.

Chairperson Moore stated Planning Commission will discuss this Conditional Use Permit at the November 30th meeting.

Presentation by Sachin Kalbag, Michael Baker International, regarding UDA study.

Mr. Kalbag stated he was present to update Planning Commission on the progress with the UDA study. Mr. Kalbag stated the consultants are currently refining the conceptual boundaries of the UDAs and he expects the project will likely conclude in mid-March.

The Urban Development Area Technical Grant Program is offered through the Virginia Office of Intermodal Planning & Investment. This technical assistance is for the adoption of Urban Development Areas. Urban Development Areas are designated by a locality in their comprehensive plan for higher density development that incorporates the principles of Traditional Neighborhood Development. The grant is an opportunity for Christiansburg to develop a vision for future growth. The UDAs are designated areas appropriate for higher density development due to proximity to transportation facilities, availability of water and sewer, or proximity to a developed area. Boundaries of UDAs must be shown on land use maps of the Comprehensive Plan. The concentration of future development should be where public infrastructure can be provided with the greatest fiscal efficiency.

Mr. Kalbag stated during the team's visit in mid-September they met with administrative and department staff and various stakeholders and presented to Planning Commission. Mr. Kalbag added since the last visit the team has reviewed the Town's zoning ordinance and comprehensive plan to analyze how the UDA program can support and build upon the Town's vision for future growth.

Mr. Kalbag summarized the analytical process his team will perform to finalize the UDA boundaries. Mr. Kalbag noted the first step included a review of the comprehensive plan, current zoning, and future land use. The team will then review all parcels in the proposed UDAs to evaluate their development potential. Mr. Kalbag added the last step will include speaking with stakeholders.

Mr. Kalbag stated the final deliverables of the study will include a map of the UDA boundaries and proposed text amendments to the comprehensive plan. Mr. Kalbag noted this process is intended to support Christiansburg's overall development vision. Mr. Kalbag added the UDAs can help market Christiansburg for future investment.

Mr. Kalbag presented the preliminary boundaries of the three UDAs. The three UDAs are known as *Mall Area, Cambria, and Downtown*.

Mr. Kalbag summarized the difference between developed, undevelopable, and developable parcels, as they are labeled on the preliminary UDA maps. Mr. Kalbag explained developed parcels have existing structures with significant market value and are unlikely candidates for future development.

Presentation by Sachin Kalbag, Michael Baker International, regarding UDA study - (continued).

Mr. Kalbag explained undevelopable parcels include right-of-way, civic and non-profit uses, parks, schools, and other uses that are not suitable for future development. Mr. Kalbag explained developable parcels are vacant or underutilized. These are the areas with the greatest capacity for future development.

Commissioner Collins asked for clarification about the process for simplifying the UDA boundaries. Mr. Kalbag stated the preliminary UDA boundaries were drawn largely with respect to the current zoning and are demarcated along commercial uses. Mr. Kalbag explained after receiving feedback and conducting a parcel analysis, the team will further refine these boundaries.

Mr. Kalbag presented the preliminary future growth analysis. Based on the projected population increase and the projected increase of supporting commercial space, one of the next steps for the consultants will be to see how much of the projected growth can be accommodated in the proposed UDAs.

Mr. Kalbag discussed next steps for the study. Mr. Kalbag stated once the UDA boundaries are finalized, the team will determine how much developable acreage is available in the UDAs. The team will calculate the projected growth that can be accommodated in the UDAs. Mr. Kalbag clarified each UDA features different characteristics and serves a different need. As part of this study, the consultants will provide examples of the appropriate type of residential and commercial structures that would fit into each of the UDAs. Mr. Kalbag stated the team will also evaluate the current development ordinances to verify that they will allow the type and density of development needed for the UDAs. Mr. Kalbag added the team will also draft design guidelines for the traditional neighborhood design elements required by the UDA program.

Commissioner Collins commended Ms. Hair and Ms. Morgan on their work to secure the UDA grant.

Commissioner Collins asked Mr. Kalbag to provide suggestions for next steps. Mr. Kalbag responded he believes the three UDAs represent different markets and each offers a different type of urban form. Mr. Kalbag noted each UDA presents a different opportunity. Mr. Kalbag added the UDA boundaries should not be too wide. Mr. Kalbag explained the UDA should be focused in order to be effectively promoted. Mr. Kalbag added even though the Mall Area UDA is large, it can capture a wide range of housing and commercial services. Commissioner Powers suggested Planning Commission review each UDA to provide comments.

Presentation by Sachin Kalbag, Michael Baker International, regarding UDA study - (continued).

Commissioner Franusich asked Mr. Kalbag if transportation boundaries were taken into consideration when drafting the UDA boundaries. Commissioner Franusich commented on the wall created by the Cambria Street/Franklin Street intersection. Commissioner Franusich stated that while the length of Franklin Street in the Mall Area UDA is a business corridor, the area south of Cambria Street has a different feel than the area north of Cambria Street. Mr. Kalbag agreed and noted the proposed development forms in the northern portion of the Mall Area UDA will be different from the proposed development forms in the southern portion of the Mall Area UDA.

Commissioner Powers noted the section of North Franklin Street within the Mall Area UDA already suffers from traffic problems. Commissioner Powers asked how a UDA could help address the traffic problem instead of bringing in more traffic and compounding the existing issue. Mr. Kalbag discussed the different impacts between residential and commercial uses. Ms. Hair added having designated UDAs will strengthen the Town's HB-2 application and hopefully provide more opportunities for road improvements. Commissioner Powers commented residential uses may attract complimentary commercial uses that are more pedestrian-oriented. Mr. Kalbag agreed and noted commercial uses are all different. Mr. Kalbag stated traffic impacts can be limited with thoughtful design and appropriate mixing of uses.

Jason Poff, 606 East Main Street asked if the study will consider exterior market forces. Mr. Poff asked if the study will consider development patterns in Blacksburg. Mr. Kalbag stated the study will not look at competing markets. Mr. Kalbag added once the UDA boundaries are established, the next steps for Christiansburg may include a detailed market-analysis.

Commissioner Powers noted the Corning plant has a large amount of vacant space that serves as a valuable buffer. Commissioner Powers stated Corning is a valuable employer and an important part of the Town's tax base. Commissioner Powers reiterated the need to preserve the buffer around the Corning plant. Mr. Kalbag noted the area around the Corning plant would be undevelopable, even if it falls within the Mall UDA.

Commissioner Powers noted the Marketplace shopping center is underdeveloped.

Commissioner Collins asked Mr. Kalbag to consider commercial development options for the areas surrounding the two Interstate 81 access points.

Presentation by Sachin Kalbag, Michael Baker International, regarding UDA study - (continued).

Mr. Poff inquired about stakeholder input for the UDA study. Ms. Hair stated public meetings will be held after the boundaries are solidified. Mr. Poff discussed Cambria's legacy as a mixed-used community and stated his desire to see more mixed-use return to the area. Mr. Poff stated he would like to see Town Council support greater mixed-use in the Cambria area.

Mr. Poff inquired about passenger rail access. Mr. Poff stated the Cambria UDA would be the likely location for rail service in Christiansburg. Ms. Hair stated Christiansburg is one of the candidates for passenger rail service in the area. Ms. Hair added adopting UDAs may increase Christiansburg's ability to attract passenger rail service.

Commissioner Powers asked Mr. Kalbag to explain the difference between the terms 'mixed use' and 'traditional neighborhood design. Mr. Kalbag clarified the terms are the same. Mr. Kalbag explained he uses the term traditional neighborhood design because this term is used by the Virginia UDA guidelines. Mr. Kalbag stated traditional neighborhood design and mixed use look the same. Mr. Kalbag explained traditional neighborhood design includes structures that come to the property line with doors that open out on to the street. Mr. Kalbag added pedestrian-oriented design, featuring wide sidewalks, lampposts, and trees are common features of this design style. Commissioner Powers stated these structures achieve mixed-use by having commercial uses on the first floor and residential uses on the upper floors.

Mr. Poff stated it might be appropriate in Cambria to have vertical or horizontal mixed use. Mr. Kalbag stated his team will provide examples of appropriate mixed-use designs for Cambria. Mr. Kalbag noted parking will be a challenge in Cambria and they will likely need to develop shared parking strategies. Mr. Poff added mixed used development in the Cambria UDA would open up greater development options for the community.

Commissioner Newell inquired about the Corning, Truman-Wilson, and Chandler Concrete parcels being incongruent with traditional neighborhood design. Mr. Kalbag clarified the Truman-Wilson and Chandler Concrete parcels will be excluded from the Mall Area UDA boundary. The Corning parcel may fall within the UDA boundary, but it is considered non-developable. Commissioners Newell and Powers stated the developable acreage will decrease by removing these parcels, but noted additional developable lands may be added when the consultants evaluate the underutilized parcels.

Chairperson Moore suggested moving on to the Cambria UDA.

Presentation by Sachin Kalbag, Michael Baker International, regarding UDA study - (continued).

Commissioner Newell noted the topography in the southern portion of the Cambria UDA is very steep.

Commissioner Newell stated Norfolk Southern owns the land surrounding the train depot and the intersection of Depot Street and the railway. Commissioner Newell stated Christiansburg is constrained due to its lack of ownership of these parcels. Commissioner Newell added this area is the heart of district and needs to be included, but the lack of ownership presents a complex challenge.

Commissioner Powers commented each UDA has its own character. Commissioner Powers added development in Cambria may have a much different scale than the Mall UDA.

Chairperson Moore suggested moving on to the Downtown District

Commissioner Collins asked if parking issues in the downtown district can be addressed. Mr. Kalbag noted the downtown district has ample surface parking with very deep blocks. Mr. Kalbag added that parking will be internalized within the blocks as the district is developed.

Commissioner Powers stated he was glad the old middle school site was included within the Downtown UDA. Mr. Poff inquired about the redevelopment potential for the old middle school site. Ms. Hair stated the parcel is owned by Montgomery County. Commissioner Powers noted the old middle school site has great potential for residential use.

Commissioner Powers inquired about the amount of growth that is projected to go into the UDAs. Mr. Kalbag clarified the figures represent targeted growth. Mr. Kalbag noted the purpose of the UDAs is to designate areas where growth can be steered. Commissioner Powers noted the Assistant Town Manager, Mr. Wingfield, had prepared an inventory of subdivisions that have been approved but not yet developed. Commissioner Powers stated these future subdivisions will likely have a significant impact on future growth accommodations.

Commissioner Newell inquired about generating a list of properties within the UDAs that are exempt from town real estate taxes.

Commissioner Powers noted Christiansburg recently amended the multi-family ordinance to allow up to 20 dwelling units per acre with a conditional use permit in a planned housing development. Commissioner Powers noted the ordinance change is applicable to any R-3 or B-3 zoning district. Commissioner Powers added the density increase may be more appropriate if its application were limited to the UDAs.

Presentation by Sachin Kalbag, Michael Baker International, regarding UDA study - (continued).

Commissioner Powers asked Mr. Kalbag to consider this change when the consultants are working on the proposed code amendments.

Commissioner Powers inquired about next steps for the UDA study. Ms. Hair stated she will continue to share the UDA work with the Development Subcommittee and the Comprehensive Plan Subcommittee. Ms. Hair added there will be an opportunity in the future to bring citizen stakeholders into the process.

Councilman Hall inquired about staff reviewing the UDA study. Ms. Hair stated all department heads have been invited to review the study. Ms. Hair added many of the local engineering firms were invited to the initial UDA meeting.

Councilman Hall noted the point made by Commissioner Powers that there are a number of developments in the Mall Area UDA that have been approved but not yet constructed. Councilman Hall stated these approved developments will have a substantial effect on the amount of developable acreage in the Mall Area UDA.

Chairperson Moore closed the discussion.

Other Business.

Ms. Hair noted copies of the draft ordinance and draft zoning permit for urban agriculture were available for Planning Commission to review

Ms. Hair confirmed the joint meeting between the Comprehensive Plan Subcommittee and Development Subcommittee is scheduled for December 16th at 8:30 a.m.

There being no more business, Chairperson Moore adjourned the meeting at 8:06 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: J&M Enterprises Agent: Gilded Restorations, LLC

Address: P. O. Box 6046 Address: 930 Roanoke St.
Christiansburg, VA 24073 Christiansburg, VA 24073

Phone: 540-320-8417 Phone: 540-394-4099

I am requesting a Conditional Use Permit to allow Automobile upholstery, wts storage
of no more than 5 inoperable vehicles.
on my property that is zoning classification I-2 under Chapter 42: Zoning of the
Christiansburg Town Code.

My property is located at 930 Rounoke St. Christiansburg VA 24073

Tax Parcel(s): 528-(A)-36

Fee: 5750⁰⁰ - DA
11/12/15

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): Joe Thompson Date: 10-4-15
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 & 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 30, 2015 at 7:00 p.m.

Town Council Public Hearing Date: Tuesday, December 22, 2015 at 7:00 p.m.

Application Type: Conditional Use Permit

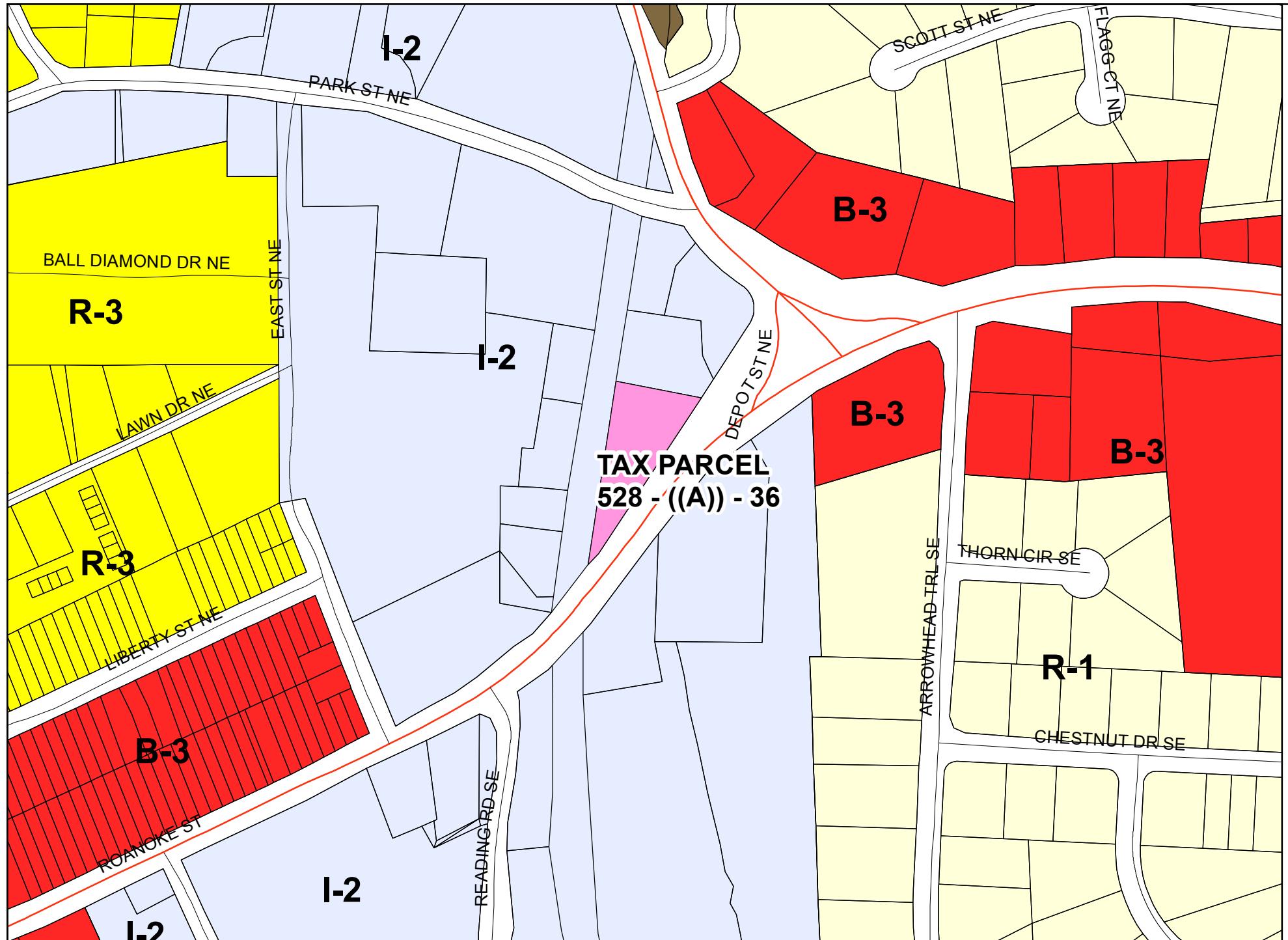
Applicant: Gilded Restorations, L.L.C, agent for J & M Enterprises, L.L.C.

Location: 930 Roanoke Street.

The Town of Christiansburg has received a Conditional Use Permit request by Gilded Restorations, L.L.C., agents for J & M Enterprises, L.L.C., for automobile upholstery with storage of no more than five (5) inoperable vehicles at 930 Roanoke Street (tax parcel 528 – ((A)) – 36) in the I-2 General Industrial District.

The property is fully located within the 100-Year and 500-Year Flood Hazard Areas. The northwest corner of the property is located within the floodway district. The property does not lie within a Historic District. The adjoining properties are zoned I-2 General Industrial. The adjoining properties contain businesses, vacant land, and include railway.

<u>Tax Map #</u>	<u>Owner(s)</u>		<u>Mailing Address</u>	<u>City, State, Zip</u>
528- A 39	BURK CLAIRE S ETAL	C/O NANCY SHOWALTER	735 SOUTHVIEW TER	CHRISTIANSBURG VA 24073
528- A 32	G N&S PROPERTIES LC		510 EAST MAIN ST	CHRISTIANSBURG VA 24073
528- A 34	G N&S PROPERTIES LC		510 EAST MAIN ST	CHRISTIANSBURG VA 24073
528- A 30A	G N&S PROPERTIES LC		510 EAST MAIN ST	CHRISTIANSBURG VA 24073
498- 12 1	HAYNES PAUL A		160 ROSEHILL DR	CHRISTIANSBURG VA 24073
528- A 36	J & M ENTERPRISES LLC	C/O MARGOT THOMPSON	105 CENTRE CT	RADFORD VA 24141
528- A 55	MOSES BRUCE A		P O BOX 2085	CHRISTIANSBURG VA 24068
528- A 35	MOSES BRUCE A		P O BOX 2085	CHRISTIANSBURG VA 24068
528- A 40	NORFOLK & SOUTHERN CORP	C/O NORFOLK SOUTHERN CORP TAX DEPT	110 FRANKLIN RD SE	ROANOKE VA 24042 28
528- A 90	POFF N THOMAS		P O BOX 6367	CHRISTIANSBURG VA 24068
528- A 37	SHOWALTER DEBORAH X	ETAL	900 DRAPER RD	BLACKSBURG VA 24060

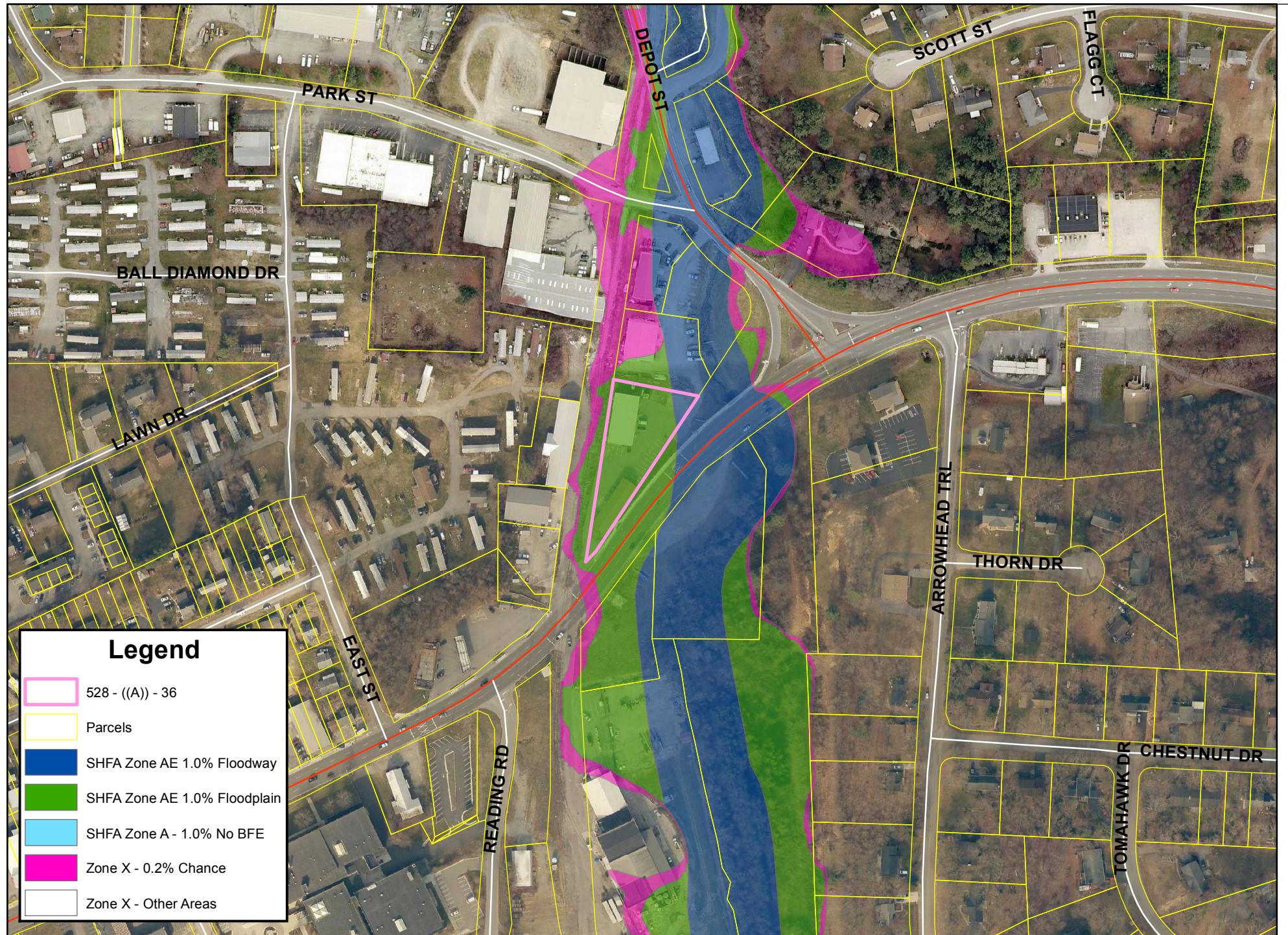


CUP REQUEST: 930 Roanoke Street

PC: November 30, 2015

TC: December 22, 2015

0 200 400 600
Feet



CUP REQUEST: 930 Roanoke Street

PC: November 30, 2015

TC: December 22, 2015

0 200 400 600
Feet

Resolution of the Town of Christiansburg Planning Commission

Conditional Use Permit

WHEREAS the Christiansburg Planning Commission, acting upon a request by the Christiansburg Town Council to study a Conditional Use Permit (CUP) request by Gilded Restorations, L.L.C., agents for J & M Enterprises, L.L.C., for automobile upholstery with storage of no more than five (5) inoperable vehicles at 930 Roanoke Street (tax parcel 528 – ((A)) – 36) in the I-2 General Industrial District, has found following a duly advertised Public Hearing that the public necessity, convenience, general welfare and good zoning practices (**permit / do not permit**) issuance of a Conditional Use Permit (CUP) to Gilded Restorations, L.L.C., agents for J & M Enterprises, L.L.C., for automobile upholstery with storage of no more than five (5) inoperable vehicles at 930 Roanoke Street (tax parcel 528 – ((A)) – 36) in the I-2 General Industrial 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 conditions:

1. The property is to be maintained in a clean, sanitary, and sightly manner.
2. This permit is for an automobile upholstery shop, not a mechanical garage or towing service and not a body shop or for conducting bodywork. An additional Conditional Use Permit application shall be required for a commercial garage or towing service (if desired).
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 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 chemicals for all towed vehicles and vehicles left for repair.
5. There will be no storage of vehicles upon the premises except for vehicles occasionally left for repair. All vehicles left for repair are to be kept on-premises and not within any public right-of-way or adjacent property. All vehicles not stored within the building are to have a current license and shall have a valid state inspection (if required). The five (5) inoperable vehicles are exempt.
6. Work is to be done inside the building and not outside.
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 before 7:00 a.m. and after 7:00 p.m.
9. This permit shall be revocable for violations of Chapter 4 “Advertising” of the Christiansburg Town Code occurring on the property.
10. This permit is subject to inspections and approval of the facilities by the Fire Marshall and Building Official.
11. This permit shall be valid for the applicant only and is nontransferable.

Dated this _____ day of November 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 November 30, 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:

MEMBERS

Matthew J. Beasley
Ann H. Carter
Harry Collins
David Franusich
Steve Huppert
Hil Johnson
T.L. Newell
Virginia Peeples
Craig Moore, Chairperson
Joe Powers
Jennifer D. Sowers, Vice-Chairperson

AYES

NAYS

ABSTAIN

ABSENT

Craig More, Chairperson

Sara Morgan, Acting Secretary Non-voting

Resolution of the Town of Christiansburg Planning Commission

Conditional Use Permit

WHEREAS the Christiansburg Planning Commission, acting upon a request by the Christiansburg Town Council to study a Conditional Use Permit (CUP) request by Apple Acres Properties, LLC, for property at 1950 Palmer Street, N.W. (tax parcels 436 – ((2)) – 14 and 15) for a contractor equipment storage 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**) issuance of a Conditional Use Permit (CUP) to Apple Acres Properties, LLC, for property at 1950 Palmer Street, N.W. (tax parcels 436 – ((2)) – 14 and 15) for a contractor equipment storage 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 conditions:

1. The property is to be maintained in a clean, sanitary, and sightly manner.
2. All equipment is to be screened from adjoining properties and rights-of-way.
3. 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.
4. There are to be no loud offensive noises so as to constitute a nuisance to the residential properties in the vicinity.
5. There are to be no discernible noises to residential properties in the nearby vicinity between 7:00 p.m. and 7:00 a.m.
6. This permit shall be revocable for violations of Chapter 4 “Advertising” of the Christiansburg Town Code occurring on the property.
7. This permit shall be subject to administrative review on an annual basis.

Dated this _____ day of November 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 November 16, 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:

MEMBERS

AYES

NAYS

ABSTAIN

ABSENT

Matthew J. Beasley

Ann H. Carter

Harry Collins

David Franusich

Steve Huppert

Hil Johnson

T.L. Newell

Virginia Peeples

Craig Moore, Chairperson

Joe Powers

Jennifer D. Sowers, Vice-Chairperson

Craig Moore, Chairperson

Sara Morgan, Acting Secretary Non-voting

**AN ORDINANCE AMENDING CHAPTER 42 “ZONING” OF THE
CHRISTIANSBURG TOWN CODE IN REGARDS TO PROVISIONS
FOR URBAN AGRICULTURE INCLUDING THE KEEPING OF
CHICKEN HENS, CHICKS, AND BEEHIVE STANDS AND AMENDING
CHAPTER 8 “ANIMALS” REGARDING VICIOUS AND WILD ANIMALS**

WHEREAS, the Planning Commission of the Town of Christiansburg, Virginia has recommended to the Council of the Town of Christiansburg amendments to the Zoning Ordinance of the Town of Christiansburg; and,

WHEREAS, notice of the intention of the Town Council to pass said ordinance was published two consecutive weeks (_____, 2015 and _____, 2015) in The Roanoke Times – New River Current, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, a joint public hearing of Council and the Planning Commission of the Town was held _____, 2015 and resulted in a recommendation by the Planning Commission that the following proposed ordinance revisions be adopted; and,

WHEREAS, Council deems proper so to do,

Be it ordained by the Council of the Town of Christiansburg, Virginia that Chapter 42 “Zoning” of the *Christiansburg Town Code* be amended by the addition of Sections 42-68(16), 42-93(16), 42-128(18), 42-155(26), and Sec. 42-663 Urban agriculture; permit required to Article XXII. Miscellaneous Provisions as follows:

ARTICLE III. RURAL RESIDENTIAL DISTRICT R-1A

Sec. 42-68. Permitted uses.

- (16) Urban agriculture in accordance with Section 42-663.

ARTICLE IV. SINGLE-FAMILY RESIDENTIAL DISTRICT R-1

Sec. 42-93. Permitted uses.

- (16) Urban agriculture in accordance with Section 42-663.

ARTICLE V. TWO-FAMILY RESIDENTIAL DISTRICT R-2

Sec. 42-128. Permitted uses.

- (18) Urban agriculture in accordance with Section 42-663.

ARTICLE VI. MULTIPLE-FAMILY RESIDENTIAL DISTRICT R-3

Sec. 42-155. Permitted uses.

(26) Urban agriculture in accordance with Section 42-663.

ARTICLE XXII. MISCELLANEOUS PROVISIONS

Sec. 42-663. Urban agriculture; zoning permit required.

The Town of Christiansburg may allow the keeping of no more than a total of six chicken hens or chicks and no more than two beehive stands in association with each residence in Town as an allowed by right urban agriculture use with an approved urban agriculture zoning permit. The urban agriculture zoning permit shall be valid only for the keeping of no more than six chicken hens or chicks and no more than two beehive stands. Pens and beehive stands shall have setbacks of 15 feet from all property lines and 50 feet from dwellings on adjacent properties and no closer to the street right-of-way than the primary dwelling. Such permits shall be valid for chicken hens, chicks, and bees only and shall not be valid for the keeping of roosters, ducks, geese, quail, turkeys, ostriches, peacocks, or any other nondomesticated pet.

All approved urban agriculture uses are required to contain the hens and/or chicks and not allow them to roam at large. Chickens shall be kept in a fully enclosed, secure area not to exceed a total of 128 square feet, hereinafter known as a pen. Pens shall include a coop (enclosed structure) containing a minimum of two square foot per hen and an open run area containing a minimum of eight square feet per hen. The materials used for pens shall be uniform and kept in good condition in order to protect the safety of the chickens. Pens may be portable and shall meet setbacks at all times. All approved urban agriculture uses shall maintain the premises in a clean and sanitary manner and are required to present measures for food storage and containment and disposal of waste prior to approval and shall maintain compliance with all presented measures. The operation of an urban agriculture use shall not include the slaughtering or butchering of chicken hens or chicks.

All approved urban agriculture uses are subject to inspection by the Zoning Administrator or designee for compliance. All applicants for urban agriculture are responsible for obtaining permission of the property owner and approval of urban agriculture zoning permits does not constitute waiver of any restrictive covenants.

Applicants for an urban agriculture zoning permit shall submit the following for review and approval of the Zoning Administrator:

- 1) Site drawing showing the size and location of all proposed structures and use areas, the setback distances from street rights-of-way, property lines and nearby dwellings, and any provisions for screening;
- 2) Management plan addressing protection from predators, use of feeding and bedding materials, management and disposal of wastes, and other factors deemed relevant for the protection of the public health.

The Town Manager or Zoning Administrator shall have authority to approve urban agriculture zoning permits and may revoke such permits for noncompliance. A permit shall be valid for one year and require a \$25.00 fee. The permit is renewable on an annual basis, with the appropriate fee. Should the Town Manager or Zoning Administrator have questions regarding compliance with an urban agriculture zoning permit, the Town Manager or Zoning Administrator may seek an advisory opinion or recommendation from the Planning Commission regarding

compliance with the permit. The keeping of a garden for the production of fruit or vegetables shall not require an urban agriculture zoning permit and shall be allowed by right in all Zoning Districts.

Be it further ordained by the Council of the Town of Christiansburg, Virginia that Section 8-1 of Chapter 8 "Animals" of the Christiansburg Town Code be amended as follows:

ARTICLE I. IN GENERAL

Sec. 8-1. Vicious and wild animals.

It shall be unlawful for any person in the town to keep any vicious animal, or any wild or nondomestic animal, unless such vicious or wild nondomestic animal is confined. **No dog or cat that kills a chicken or chick will, for that reason alone, be considered a vicious animal.**

This ordinance shall become effective upon adoption. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid. Ordinances or parts of any ordinances of the Town whose provisions are in conflict herewith are hereby repealed.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held _____, 2015, the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
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Mayor D. Michael Barber*

Samuel M. Bishop

Cord Hall

Steve Huppert

Henry Showalter

Bradford J. Stipes

James W. "Jim" Vanhoozier

*Votes only in the event of a tie vote by Council.

SEAL:

Michele M. Stipes, Town Clerk

D. Michael Barber, Mayor



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

Permit No.: _____

Application for Urban Agriculture Zoning Permit

NOTE:

All applications must be accompanied by:

1. A sketch of the property (and adjoining properties, if necessary) showing:
 - a. A fully enclosed, secure area (pen) not to exceed a total of 128 square feet.
 - b. Location, dimensions, and materials of the pen and coop. An enclosed coop with minimum of two square foot per hen and an open run area containing a minimum of eight square feet per hen is required. It should be noted if the pen and/or coop are portable.
 - c. Setbacks: 15 feet from all property lines and 50 feet from dwellings on adjacent properties and no closer to the street right-of-way than the primary dwelling.
2. Management plan addressing protection from predators, use of feeding and bedding materials, management and disposal of wastes, and other factors deemed relevant for the protection of the public health.
3. Annual fee of \$25.00.

Applicant Name: _____ Phone: _____

Property Owner (if different from applicant): _____ Fax: _____

Site Address: _____

Property owner's address (if different): _____

Tax Map #: _____ Parcel Number: _____ Zoning District: _____

For Chickens:

Number of chicken hens or chicks: _____ (no more than 6 total)

Dimensions of pen: ____ ft. x ____ ft. Area ____ (sq. ft.) Weight ____ lbs. Material _____

Dimensions of coop: ____ ft. x ____ ft. Area ____ (sq. ft.) Weight ____ lbs. Material _____

Total Height above grade: _____ ft.

For Beehive Stands:

Number of beehive stands: _____ (no more than 2)

Dimensions of beehive stands: ____ ft. x ____ ft. Area ____ (sq. ft.) Weight ____ lbs. Material _____

Supports: Number _____ Size _____ Material _____

Total Height above grade: _____ ft.

The undersigned applicant hereby applies for Urban Agriculture Zoning Permit as stated above and/or within supplemental attachments and certifies that he/she is duly authorized by the owner(s) to make such application. Applicant further certifies that all relevant Building, Zoning, and Outdoor Advertising restrictions and regulations of the Town of Christiansburg and Commonwealth of Virginia pertaining to this application have or will be met. It shall be the responsibility of the applicant to notify the Zoning Administrator in advance of anticipated work to make or cause to be made any necessary inspections. Applicant shall be responsible for locating any and all underground utilities or structures, easements, and rights-of-way. Applicant certifies that the use shall comply with all private deed restrictions and/or covenants. All submitted materials shall be in compliance with regulations of the Virginia Statewide Uniform Building Code, the Christiansburg Town Code, and the Virginia Department of Transportation. By causing this permit to be issued applicant assumes all responsibility and liability

for insuring that the enclosure and all supporting structures are constructed/installed in compliance with all applicable regulations. Omission or misrepresentation of relevant facts or materials by the applicant shall constitute a falsified permit application and shall be cause for revocation of any permits and/or approvals. Should any of the above information be incorrect or change, the applicant will notify the Town of Christiansburg immediately. Enclosures shall not be within 10 feet of the nearest overhead electrical wires. Enclosures as noted herein refer to the enclosure, supporting structures, footers, etc.. Applicant refers to the person(s) making application or persons representing the property owner(s) or the property owner(s) themselves. **Construction will not occur until final approval has been given. Miss Utility shall be contacted at (800) 552-7001 at least 48 hours prior to any underground work. This permit is invalid unless construction and operation is begun within 180 days of approval.**

Violations shall be handled in accordance with Section 42-14 of the Christiansburg Town Code:

Sec. 42-14. Penalties for violations of chapter.

(a) Any person, whether as principal, agent, employed or otherwise, violating, or causing or permitting the violation of, any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, may be fined not less than \$10.00 nor more than \$1,000.00. Such person shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this chapter is committed, continued or permitted by such person, and shall be punishable as provided in section 1-11.

Date

Applicant Signature / Acknowledgement of Conditions

FOR OFFICE USE ONLY:

Remarks: _____

Provided: Site Drawing(s): _____ Management Plan: _____

Call for Inspection: yes / no

Expiration Date: _____

This application is approved / disapproved and Permit granted subject to the preceding requirements/conditions.

Date

Town Manager / Zoning Administrator

TO ATTACH: Educational Materials

Additional Information:

The limited keeping of chickens and bee hives may be permitted as an accessory use to residential dwellings subject to the following conditions:

1. No more than two beehive stands shall be allowed.
2. Chickens are defined herein as domestic female chicken hens. Roosters are prohibited.
3. Chickens shall be kept for the household's personal consumption only. Commercial use such as selling eggs or chickens for meat shall be prohibited.
4. There shall be no slaughtering or processing of chickens.
5. No more than 6 chicken hens or chicks shall be allowed.
6. Adequate shelter, care and control of the chickens are required. Any person permitted to keep chickens shall comply with all the provisions and requirements of the Town and State Code regarding care, shelter, sanitation, health, rodent control, cruelty, neglect, noise, reasonable care and another requirements pertaining to, but not limited to, the adequate care and control of animals in the Town.
7. The owner of the chickens shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions may be removed by an animal control officer.
8. Chickens shall not be allowed to roam free. They shall be kept in an enclosed secure area not to exceed a total of 128 square feet hereinafter known as a pen. Pens shall include a coop (enclosed structure) containing a minimum of two square foot per hen and an open run area containing a minimum of eight square feet per hen.
9. The materials used for pens shall be uniform and kept in good condition in order to protect the safety of the chickens.
10. Pens may be portable and shall meet setbacks at all times.
11. Pens and beehive stands shall have setbacks of 15 feet from all property lines and 50 feet from dwellings on adjacent properties and no closer to the street right-of-way than the primary dwelling.
12. All pens shall be located out any drainage areas that could allow fecal matter to enter a storm drainage system or stream.
13. All pens shall be constructed and maintained so as to be impermeable to rodents, wild birds, and predators, including dogs and cats, and to prevent such animals or other pests from being harbored underneath, inside, or within the walls of the enclosure. All pens must be kept dry, well-ventilated, and in sanitary condition at all times, and must be cleaned on a regular basis to prevent offensive odors. All manure not used for composting or fertilizing shall be removed promptly. Odors from chickens, manure, or other chicken-related substances shall not be detectable at the property boundaries.
14. All approved urban agriculture uses shall maintain the premises in a clean and sanitary manner and are required to present measures for food storage and containment and disposal of waste prior to approval and shall maintain compliance with all presented measures.
15. No dog or cat that kills a chicken or chick will, for that reason alone, be considered a vicious animal.

Salmonella awareness

Salmonella bacteria have been isolated from nearly all vertebrates, and Salmonella infections have been associated with animal and human disease. Shedding of Salmonella bacteria in poultry often occurs in the absence of clinical signs, sometimes for extended periods. In some cases, human illness caused by Salmonella has been attributed to the handling of live poultry or the consumption of poultry products. Typical signs of Salmonella infection in humans include fever and diarrhea. Salmonellosis in humans is typically self-limiting, with most people recovering within 1 week. Rarely, severe cases can result in death. Hand washing is an important measure for preventing the transmission of Salmonella from poultry to humans.

Urban chicken flocks might provide eggs for home; therefore, it is important that urban chicken flock owners be familiar with food safety precautions. The Centers for Disease Control provides the following guidelines to prevent foodborne illness from poultry products:

- Poultry should be cooked to an internal temperature of 165°F before consumption. Use a meat thermometer to ensure foods are cooked to a safe temperature.
- Egg shells should be washed and sanitized to remove microorganisms such as Salmonella. Discard eggs that are cracked, broken, or leaking.
- Keep raw foods (meats, poultry, and eggs) separate from cooked foods in the refrigerator.
- Store eggs at 40°F or lower to reduce bacterial growth.
- Wash hands and slaughter/cooking surfaces often.

Retrieved from:

https://www.aphis.usda.gov/animal_health/nahms/poultry/downloads/poultry10/Poultry10_is_Human-chicken.pdf

How do I reduce the risk of a Salmonella infection from live poultry?

DO

- Wash hands thoroughly with soap and water right after touching live poultry or anything in the area where they live and roam. Use hand sanitizer if soap and water are not readily available.
- Adults should supervise hand washing for young children.
- Wash hands after removing soiled clothes and shoes.
- If you collect eggs from the hens, thoroughly cook them, as Salmonella can pass from healthy looking hens into the interior of normal looking eggs.
- Clean any equipment or materials associated with raising or caring for live poultry outside the house, such as cages or feed or water containers.
- If you have free-roaming live poultry, assume where they live and roam is contaminated

DON'T

- Don't let children younger than 5 years of age, older adults, or people with weak immune systems handle or touch chicks, ducklings, or other live poultry.
- Don't eat or drink in the area where the birds live or roam.
- Don't let live poultry inside the house, in bathrooms, or especially in areas where food or drink is prepared, served, or stored, such as kitchens or outdoor patios.
- In recent outbreaks of Salmonella infections linked to contact with live poultry, ill people reported bringing live poultry into their homes.

Retrieved from: <http://www.cdc.gov/Features/SalmonellaPoultry/index.html>