

**Christiansburg Planning Commission
Minutes of June 1, 2015**

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

Absent: David Franusich

Staff/Visitors: Sara Morgan, staff
Missy Martin, staff
Tabitha Proffitt, staff
James C. Dobbins, 185 South Central Drive
Ann Hess, 70 Crescent Drive
Phil Howell, 280 Cheverly Road
Milko Maykowskyj, 480 Cheverly Road
Will Applequist, 45 South Central Drive
John Barnett, 125 South Central Drive
Ann Sandbrook, 170 Greenway Drive
Martin Chapman, 165 Greenway Drive
Jason Calvert, 490 Cheverly Road
Gretchen Ninestein, 155 Greenway Drive
Joe Walker, 75 Crescent Drive
Jim Angle, 60 South Central Drive
Deb Perry, 295 Cheverly Road

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 May 4, 2015.

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

Planning Commission public hearing 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.

Chairperson Moore introduced the request. Mr. Dobbins addressed the Planning Commission. Mr. Dobbins stated he has been a licensed federal firearms dealer for 15 years. Mr. Dobbins added he does not do enough business to warrant a storefront because there is not a lot of traffic. Mr. Dobbins stated he handles orders for collectors, transfers, and is a shipping point. Mr. Dobbins explained the law for shipping firearms. Mr. Dobbin stated his business is common for inherited firearms as well as those changing states. Mr. Dobbins added he does not have inventory and the firearms that he does have are kept under lock and key. Mr. Dobbins stated there are times when he does need to store a gun.

Mr. Dobbins reiterated this is a small business and customers will not be hanging around. Mr. Dobbins stated the ATF requires firearms salesman to have a business address. Mr. Dobbins added firearms salesman are not permitted to travel to the customer's home and business is to be conducted at his address. Mr. Dobbins stated this is a side business/hobby for him because he works full-time at Hubble. Mr. Dobbins added the home occupation process was not required when he lived in Montgomery County. Mr. Dobbins explained it is not a high volume business and will likely, not be noticed in the neighborhood. Mr. Dobbins added he does not believe his home occupation will lower the property value of their home because hoodlums will not be coming to his property. Mr. Dobbins stated he has four children at home from the ages 6 to 15 years old. Mr. Dobbins added his children and neighborhood children will not have access to firearms arms. Mr. Dobbins stated firearms will only be accessible to Mr. and Mrs. Dobbins and the customer.

Chairperson Moore opened the floor for additional public comment. Ms. Ann Hess, 70 Crescent Drive, stated she appreciates the CUP process. Ms. Hess stated Belmont Farms is a self-contained neighborhood. Ms. Hess added she has been in her home since 1967. Ms. Hess stated the neighborhood has been entirely residential and is designated as residential on the Future Land Use Map. Ms. Hess added the business will not be benefiting the neighborhood. Ms. Hess stated a similar request that was approved on Scott Street is not similar to Belmont Farms. Ms. Hess stated firearms sales are not appropriate for Belmont Farms. Ms. Hess stated a CUP request for a water testing lab was denied because it was not appropriate for the neighborhood and she asked this request be denied too. Ms. Hess asked those in attendance to stand if they agree with her statement. Those who stood gave their name and address to Ms. Hair. 21 people stood in support.

1. Douglas Smith, 155 Greenway Drive
2. Greg Hilton, 170 South Central Drive
3. Deb Perry, 295 Cheverly Road
4. Phillip Howell, 280 Cheverly Road
5. Cindy Barden, 60 Crescent Drive
6. Shirley Cline, 60 Crescent Drive
7. John Tuttle, 40 Sapphire Avenue

Planning Commission public hearing 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).

8. Mason Walker, 25 South Central Drive
9. Katherine Williams, 10 Crescent Drive
10. Irene Dowdy, 85 Crescent Drive
11. Doug Morgan, 10 South Dudley
12. Joyce Morgan, 10 South Dudley
13. Sharon Angle, 60 South Central Drive
14. Jim Angle, 60 South Central Drive
15. William Applequist, 45 South Central Drive
16. Gail Holzer, 65 South Central Drive
17. Siegfried Holzer, 65 South Central Drive
18. John Barnett, 125 South Central Drive
19. Debbie Doug, Merrimac
20. Ruth Nunley, 150 South Central
21. Morgan Allen, 80 Linden Court

Phil Howell, 280 Cheverly Road, stated he has been a resident of Belmont Farms for 51 years. Mr. Howell state his main concern is for the young children that play along and in the road. Mr. Howell added there is an active neighborhood watch program within the neighborhood that focuses on the safety of the children. Mr. Howell stated he does not believe strangers coming and going will be appropriate for the neighborhood. Mr. Howell added this business would not be appropriate for the neighborhood. Mr. Howell stated there are older and younger families within the neighborhood concerned about the Conditional Use Permit request. Mr. Howell requested the Planning Commissioners to think about this request as if it would be in their neighborhood.

Milko Maykowskyj, 480 Cheverly Road, stated he objects to the Conditional Use Permit because of the retail aspect. Mr. Maykowskyj stated he would like to see a condition for speed bumps be in place as well as signage for traffic. Mr. Maykowskj added he is concerned about the storage of ammunition. Mr. Maykowskj stated the applicant told him privately, that he does not store ammunition. Mr. Maykowskj added would like his neighbors to consider Mr. Dobbins home occupation as a hobby; however, he does not think a retail use is appropriate when the land is zoned R-1 Single Family Residential.

Will Applequist, 45 South Central Drive, stated he objects to the Conditional Use Permit because the neighborhood should be kept residential. Mr. Applequist stated he is not opposed to business or guns; however, he would like to keep the neighborhood a residential area. Mr. Applequist added he has been a resident since 1988.

Planning Commission public hearing 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).

John Barnett, 125 South Central Drive, stated he is opposed because it is near his home. Mr. Barnett stated the Planning and Zoning Department enforced removing his neighbor's chickens and the chickens did not bother Mr. Barnett as it was not a business. Mr. Barnett stated he does not like the firearms dealer in the neighborhood because there are no assurances the traffic will not pick up and the residents will be safe. Mr. Barnett stated he has been a resident of the neighborhood for 43 years.

Ann Sandbrook, 170 Greenway Drive, inquired about how the transactions will be handled, about delivery trucks, any future plans for an onsite range, about the quantity restrictions, about the limit of sales to customers, about ammunition restrictions, and about home security/storage. Ms. Sandbrook added increased traffic could bring extra traffic to the neighborhood. Ms. Sandbrook stated she does not feel the neighborhood could handle increased traffic because there is a lot of foot traffic. Ms. Sandbrook added she has concerns about security because there is a threat of break-ins. Ms. Sandbrook stated the approved home occupation for firearm sales on Scott Street was different because of the number of police officers living in that neighborhood.

Martin Chapman, 165 Greenway Drive, stated he agrees with his neighbors and does not understand why a meeting is being held as the property is zoned R-1 Single Family Residential. Mr. Chapman stated there are only two entrances to the neighborhood and this is a concern for traffic.

Jason Calvert, 490 Cheverly Road, stated he is an avid supporter of guns. Mr. Calvert stated he believes Cheverly Road has a speeding problem at present time. Mr. Calvert stated he does not see the need for increased traffic. Mr. Calvert added the cul-de-sac is poorly lit and he would like to see increased lighting because this would be a safety concern. Mr. Calvert stated he has lived in the neighborhood for 10 years because it is R-1 Single Family Residential. Mr. Calvert added the neighborhood is a quiet neighborhood aside from some traffic. Mr. Calvert stated there is a potential for increased customers. Mr. Calvert added he believes there are other properties within the town that would be appropriate for this kind of business. Mr. Calvert added the alarm system on the safe should alert officials of any problems.

Gretchen Ninestein, 155 Greenway Drive, presented five opposition letters/emails from neighbors that could not attend the meeting.

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Joe Walker, Pastor of New River Valley Biker Church, 75 Crescent Drive, stated has known Mr. Dobbins his whole life and does not feel Mr. Dobbins would lie to anyone. Mr. Walker added he does not oppose guns but believes the Planning Commission should require a security system and street lighting by the applicant. Mr. Walker stated traffic is of concern as he has five grandchildren. Mr. Walker added speed signs and speed bumps could improve this. Mr. Walker stated he would like to keep the home occupation as a hobby not a storefront business. Mr. Walker stated the neighbors chose to live there because it is R-1.

Reverend/Doctor Jim Angle, has a church parsonage at 60 South Central Drive. Dr. Angle stated this is a radical departure from the current state of the neighborhood. Dr. Angle spoke about the foot traffic of the neighborhood. Dr. Angle stated has lived in the neighborhood since 1993 and the preservation of his neighborhood is important. Dr. Angle stated there is a lot of uncertainty to this Conditional Use Permit request because the request is a business venture not recreational.

Deb Perry, 295 Cheverly Road, detailed the location of her property. Ms. Perry stated she is out walking at 6pm every night and sees the UPS trucks. Ms. Perry stated she would like the Planning Commission to deny the request.

Chairperson Moore closed the public hearing.

Chairperson Moore opened the floor for the Planning Commissioners to discuss. Chairperson Moore requested Mr. Dobbins to come forward. Commissioner Powers inquired if the license limits the amount of firearms or ammunition Mr. Dobbins may have. Mr. Dobbins stated he does not believe there is a limit. Mr. Dobbins added he does not have the volume to determine if there is a limit. Mr. Dobbins stated he does not carry the ammunition unless it is something that a customer could not find. Mr. Dobbins added the ammunition is considered a hazardous material for shipping and has a hazardous fee associated with shipping. Mr. Dobbins stated it is not in his interest to sell ammunition due to the cost of shipping. Mr. Dobbins stated he believes QVC buyers in his neighborhood have more deliveries than he would. Mr. Dobbins added he has delivers once or twice a month. Mr. Dobbins added he does not advertise his business.

Commissioner Collins requested Mr. Dobbins clarify his experience and what he is proposing. Mr. Dobbins stated he has been in business for 15 years. Commissioner Collins inquired how many delivers Mr. Dobbins has a week. Mr. Dobbins stated he believes the most would be once a month and that would be rare. Mr. Dobbins stated this has always been a hobby for him and he wants to continue to have his license. Commissioner Carter inquired to the number of guns Mr. Dobbins has sold in a years' time. Mr. Dobbins stated he has not done business for the last 1-2 years. He has sold 3 guns year and performed 2 transfers during a years' time.

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Commissioner Collins inquired as to why Mr. Dobbins is going through this process for three transactions a year. Mr. Dobbins stated he wants to keep the license because he uses it occasionally. Commissioner Collins inquired if Mr. Dobbins is able to keep his license if he does not sell anything. Mr. Dobbins stated he may. Mr. Dobbins stated he moved to the neighborhood for the same reason as his neighbors. Mr. Dobbins added this is a hobby for him.

Commissioner Powers inquired about the business address of the current license. Mr. Dobbins stated the license renewal is every 2 years and is prompting this Conditional Use Permit request. Mr. Dobbins' stated his former home in Ellett Valley is the current business address for his license. Mr. Dobbins stated he no longer owns that property and the business address needs to change.

Commissioner Powers inquired about the security of the guns at Mr. Dobbins' current location. Mr. Dobbins stated he does not have a safe because he does not store guns. Mr. Dobbins stated there are 1-2 guns in his home at a time. Mr. Dobbins added at his current residence he has a secure closet that could be used. Mr. Dobbins stated there is no security system installed at his residence. Mr. Dobbins added he is not opposed to putting one in but there is nothing stored on the property. Mr. Dobbins stated he operates on a custom order basis. Mr. Dobbins added he does not want to hold on to the merchandise for very long.

Commissioner Collins asked how often Mr. Dobbins' customers order a firearm and ammunition together. Mr. Dobbins stated he does not sell firearms and ammunition in the same order. Mr. Dobbins stated most firearms dealers operate the same way because this is a safety concern. Mr. Dobbins added he does not sell ammunition because it is not worth the cost and the price becomes unreasonable. Mr. Dobbins stated he believes he has sold 3 boxes of ammunition in the 15 years he has had a license. Mr. Dobbins added these orders were ammunition that the customer could not find.

Commissioner Huppert asked Mr. Dobbins to review the process of buying a gun through him. Mr. Dobbins stated he would ask how Mr. Huppert was informed of his business because straw purchases are a concern for him (buying for someone else). Mr. Dobbins would then ask Mr. Huppert what type of gun he would like to purchase. Mr. Huppert inquired if there is a catalog to look through. Mr. Dobbins stated there is a catalog and most of the people he has dealt with have given him sales flyers. Mr. Dobbins added most of the information can be found online. Mr. Dobbins stated he has not had anyone just come to his door to buy a gun.

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Chairperson Moore asked Mr. Dobbins if State and Federal forms are filled out. Mr. Dobbins stated he runs a criminal background check with two forms of identification. Mr. Dobbins added there has been only one instance when there was not an instant approval. Mr. Dobbins stated when this happens there is a follow-up in 24 hours. Mr. Dobbins stated for an inheritance situation, the paperwork needs to be filled out in person. Mr. Dobbins added all firearm sales must be registered. Mr. Dobbins stated neighbors could sell guns with a cash transaction but he doesn't recommend that without changing the registration. Mr. Dobbins added he handles the registration process.

Mr. Dobbins stated the Federal form is kept by Mr. Dobbins. Mr. Dobbins stated the State form is a three part form and one part is sent to West Virginia (\$2 fee) to the regional ATF office. Commissioner Huppert asked how Mr. Dobbins feels about restricting the number of transactions. Mr. Dobbins stated he is not opposed to a limit. Mr. Dobbins stated he is happy with two to three transactions a year, to pay for the license.

Chairperson Moore asked about ATF regulations. Mr. Dobbins explained the ATF regulations require him to have an address tied to his business. Mr. Dobbins stated he has a tax ID and is required to have a business license.

Commissioner Beasley stated he lives in the neighborhood and has children that utilize the neighborhood. He asked Mr. Dobbins to bring a record of his sales in the past 5 years. Mr. Dobbins stated he would.

Commissioner Collins asked if Mr. Dobbins would sell Commissioner Collins' gun. Mr. Dobbins stated he would not because it is not necessary. Mr. Dobbins added the only person that needs a dealer is the person that buys a gun due to shipping restrictions and transferring the gun.

Commissioner Collins stated he is concerned about the safety of those living in the neighborhood. Mr. Collins added there is enough that could happen without putting this in the neighborhood. Commissioner Collins asked Mr. Dobbins to assure him of the safety. Mr. Dobbins stated he would not put his children in harm's way. Mr. Dobbins stated he moved to the neighborhood for the same reasons his neighbors have. Mr. Dobbins stated he does not want make his neighbors feel uneasy.

Commissioner Beasley asked how long Mr. Dobbins has lived at this residence. Mr. Dobbins stated he moved into the home in September.

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Commissioner Newell stated she is struggling with the home occupation application that was submitted. Commissioner Newell stated she does not understand how this is a hobby and why Mr. Dobbins cannot be associated with an established firearms salesman. Mr. Dobbins asked for clarification on the question. Mr. Dobbins added businesses are in competition with one another, so he could not operate out of another dealer's location. Mr. Dobbins stated he is not trying to do that much business. Mr. Dobbins stated he does not intend to build up the business.

Commissioner Newell requested Mr. Dobbins clarify how this is a hobby. Mr. Dobbins stated at one time the hobby was going to gun shows, but that is no longer part of the business as he does not keep an inventory. Mr. Dobbins stated he has always been a firearms enthusiast. Mr. Dobbins sees it as a hobby even though it is required to be a business license. Mr. Dobbins stated he does not want it to be a large business. Mr. Dobbins added he can have the license and not sell anything. Mr. Dobbins stated he needs an address associated with the business to have a license. Mr. Dobbins stated the address is where any firearm would be sent.

Commissioner Beasley asked if these transactions are of unique or rare weapons. Mr. Dobbins indicated that is the case. Mr. Dobbins described the commemorative Montgomery County gun sales from years ago. Mr. Dobbins added he does not do run of the mill sales that one can purchase at WalMart or Dick's Sporting Goods.

Commissioner Johnson asked why he waited this long for the Conditional Use Permit request. Mr. Dobbins explained the Conditional Use Permit request fee (\$750) was the reason. Mr. Dobbins added he had to borrow part of the money to pay the public hearing fee.

Chairperson Moore asked if Mr. Dobbins lost any sales while his business address is not valid. Mr. Dobbins stated he only received a couple of inquiries and they were fine with waiting.

Commissioner Johnson inquired how the cost of implementing security and lighting measures would impact his business if made conditions of the request. Mr. Dobbins does not feel he needs to implement these measures as he is not a high volume dealer. Mr. Dobbins stated he has tried to be as honest and legal as he can. Mr. Dobbins added part of that is dealing and selling to people he knows.

Commissioner Peeples asked if the ATF regulate the security of the safe and if there is an inspection of the business address. Mr. Dobbins stated he does not know of an inspection as he has never had one. Mr. Dobbins stated a trigger or action lock is required.

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Chairperson Moore thanked Mr. Dobbins for answering the Planning Commission's questions.

Commissioner Powers asked Ms. Hair the difference between the minor or major home occupations. Ms. Hair explained that they are listed in Section 42-1. Ms. Hair stated minor home occupations are typically going to be home day cares with less than five children, home offices, lawn care business with one truck and one trailer, tutoring, or piano lessons. Ms. Hair stated this request has more going on and has the ATF involved. Ms. Hair stated the ATF has contacted Ms. Hair about the request.

Commissioner Powers asked about the Conditional Use Permits in Belmont Farms. Ms. Hair stated she will look into both Conditional Use Permits and Home Occupations in this neighborhood. Commissioner Powers stated he did not see any Conditional Use Permits on the online GIS. Ms. Hair stated she will look at any denied or approved applications.

Commissioner Powers asked if the Scott Street Conditional Use Permit was current. Ms. Hair stated staff checks the CUPs regularly and the Scott Street business is no longer operating. Ms. Hair stated that the applicant sent staff a letter noting he had moved from that location.

Commissioner Huppert stated this CUP will be approved or denied at the next Planning Commission meeting. Commissioner Huppert stated the Planning Commission's recommendation will be relayed to the Town Council at their public hearing on June 23rd. Commissioner Huppert added the Town Council will go over the Planning Commission's discussion and then vote on the request at the public hearing date or their following meeting. Chairperson Moore reiterated this process.

Mr. Chapman asked why we are having this meeting. Ms. Hair explained that firearms sales as a major home occupation is permitted in the R-1 Single Family District with an approved Conditional Use Permit. Ms. Hair added the R-1 permitted uses are listed in the Chapter 42 of the Zoning Ordinance. Chairperson Moore detailed the monitoring of the Conditional Use Permit by Town staff and the Planning Commission.

Ms. Hair stated she has spoken with the Chief of Police. Ms. Hair added the Chief of Police does not find an issue with this type of home occupation and location. Ms. Hair stated Chief Sisson would let the Planning Department know if there were any issues.

Commissioner Beasley asked about future land use changes and the potential for a change in the future land use. Ms. Hair noted that it would take a rezoning and would not recommend anyone apply for this as it is not likely.

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Commissioner Collins asked about the ammunition listed on his Home Occupation application. Mr. Dobbins has ordered four boxes of ammunition in his 15 years. Chairperson Moore asked if he would be ok with a condition preventing him from selling ammunition aside from two transactions of ammunition a year. Mr. Dobbins said that would be generous.

Commissioner Newell clarified that Ms. Hair will bring forth minor/major home occupations and Condition Use Permits requests in this neighborhood. Commissioner Newell indicated the Town website provides current Conditional Use Permits in the Town limits. Commissioner Powers clarified that the website does not show past or denied Conditional Use Permits.

Chairperson Moore explained to the public that the applicant would be financially responsible for any conditions placed on the Conditional Use Permit.

Ms. Hair stated has a phone call planned tomorrow with the ATF and will get the regulations in writing from them via email.

Chairperson Moore stated the next meeting will result in the recommendation to Town Council and there will not be a public comment session at this meeting.

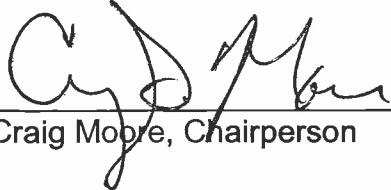
Other Business.

The Development and Comprehensive Plan Subcommittee will meet Wednesday, June 10th at 8:30am. Jerry Heinline, Building Official will be going over the Rehab Code and what other localities are doing.

Commissioner Beasley stated he will speak to his neighbor's about this Conditional Use Permit request.

Commissioner Powers noted that he attended the New River Valley Regional Commission's Planning Commissioner Training with Commissioner Peeples, and staff members Sara Morgan and Missy Martin. The meeting discussed farmers markets and food trucks. Commissioner Carter would like to hear the food trucks discussion.

There being no more business, Chairperson Moore adjourned the meeting at 8:50 p.m.



Craig Moore, Chairperson



Nichole Hair, Secretary Non-Voting