

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

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

Absent: None

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

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

Public Comment.

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

Approval of meeting minutes for June 1, 2015.

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

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

Chairperson Moore reminded the Planning Commissioners if they would be abstaining from voting, they would also need to refrain from discussion. Chairperson Moore added the Planning Commission's duty is to consider land use.

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

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

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

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

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

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

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

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

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

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

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

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

Chairperson Moore read the drafted conditions.

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

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

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

Mr. Dobbins stated he has locks on every door of his home and does have motion lights installed. Mr. Dobbins added he does not feel the need for a home security system and does not want to spend money on a home security system.

Commissioner Huppert inquired if this type of lighting would be acceptable. Ms. Hair indicated she would consider that security lighting. Mr. Dobbins stated his brother-in-law is a sheriff's deputy and he drives by his house when Mr. Dobbins is out of town.

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

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

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

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

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

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

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

Chairperson Moore read the revised draft conditions:

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

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

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

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

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

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

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

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

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

Other Business.

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

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

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



Craig Moore, Chairperson



Nichole Hair, Secretary Non-Voting