

**Christiansburg Planning Commission**  
**Minutes of November 30, 2015**

Present: Matthew J. Beasley  
Harry Collins  
David Franusich  
Craig Moore, Chairperson  
T.L. Newell  
Virginia Peeples  
Joe Powers  
Jennifer D. Sowers, Vice-Chairperson  
Sara Morgan, Acting Secretary Non-Voting

Absent: Ann Carter  
Steve Huppert  
Hil Johnson

Staff/Visitors: Nichole Hair, Planning Director/Zoning Administrator  
Will Drake, staff  
Gary Fain, 3543 Country Meadows Drive  
John Jones, 564 Jerry Lane, Check VA  
Steve Velarde, 1265 Flint Drive  
Cindy Wells-Disney, Montgomery County Planning Commission

Chairperson Moore called the meeting to order at 7:01 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, stated that he was pleased with the draft ordinance and zoning permit for urban agriculture. Mr. Velarde asked if the permit would need to be issued before both the structure and the chickens were located on the property. Ms. Hair stated the wording on the permit would be adjusted to make it clear that the permit will need to be granted before the structure can be placed on the property.

Mr. Velarde also inquired about the inspection process for the urban agriculture permit. Ms. Hair stated this is a zoning permit, not a building permit. Ms. Hair added staff will perform an inspection to ensure setbacks and size limitations are met in the same manner they do for other accessory structures requiring a zoning permit.

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

Approval of meeting minutes for November 16, 2015.

Chairperson Moore introduced the discussion. Commissioner Collins made a motion to approve the November 16, 2015 Planning Commission meeting minutes. Commissioner Peeples seconded the motion, which passed 7-0. Commissioner Sowers abstained, as she was not present for the last meeting.

Planning Commission public hearing on 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.

Chairperson Moore opened the public hearing. The applicant, John Jones, 564 Jerry Lane, Check VA, introduced his Conditional Use Permit. Mr. Jones stated he recently relocated his upholstery business from Floyd, VA. Mr. Jones stated his business will upholster a wide range of items, including furniture, guitar cases, and vehicles. Mr. Jones stated he was seeking a Conditional Use Permit in order to perform automotive upholstery on the property.

With no further public comments, Chairperson Moore moved to close the public hearing. With no objections, Chairperson Moore closed the public hearing.

Chairperson Moore stated that Planning Commission will discuss the Conditional Use Permit at the end of the meeting.

Discussion by Planning Commission regarding 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 Planning Commission public hearing was held November 16, 2015.

Chairperson Moore read the proposed conditions of the Conditional Use Permit.

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.

Discussion by Planning Commission regarding 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 Planning Commission public hearing was held November 16, 2015 – (continued).

Commissioner Beasley inquired how long the tenants have been storing their equipment on the property. The applicant, Gary Fain, 3543 Country Meadows Drive, stated the tenants have been on the property for more than a year. Mr. Fain stated he did not realize the storage of contractor equipment required a Conditional Use Permit. Ms. Hair stated she has not received a complaint on this property. Ms. Hair explained the violation was brought to her attention when the tenants applied for a business license.

Commissioner Powers inquired about the inoperable vehicles located on the front of the property. Mr. Fain explained the cars are being stored by a separate tenant and he is working with the tenant to remove the vehicles. Mr. Fain stated his second tenant received a violation notice from the Town and cleaned up the cars for a while. Mr. Fain explained he is working with this tenant to remove the vehicles.

Commissioner Powers asked Ms. Hair if she is satisfied with the condition of the property. Ms. Hair stated the tenant was given 30 days to bring the property in compliance and the final violation notice was sent on November 27<sup>th</sup>. Ms. Hair stated if the property is not brought into compliance by the 30-day deadline the Town will pursue legal action. Mr. Fain stated he wants to fully comply with the Town, but that he also has legal requirements between him and his tenant.

Commissioner Powers stated his concern is the property is located in a residential area. Commissioner Powers added he is concerned with the issue of noise. Commissioner Powers noted the proposed requirement prohibiting discernible noise between 7:00 p.m. and 7:00 a.m. Ms. Hair added noise is a nuisance issue and residents may call the police department if they have a problem.

Commissioner Beasley asked Mr. Fain if he was comfortable with the proposed conditions. Mr. Fain stated all of the conditions were sensible. Mr. Fain added he was unsure about the ability to fully screen the property. Mr. Fain outlined the natural screening he has already added to the property. Mr. Fain stated the equipment would be visible from North Franklin Street. Mr. Fain added the topography and elevation of the property would make it difficult to fully screen the property from North Franklin Street while maintaining reasonable access.

Commissioner Franusich asked if the dump trucks are the contractor equipment at issue. Ms. Hair confirmed the dump trucks are the contractor equipment. Commissioner Powers asked why the applicant needed a Conditional Use Permit. Ms. Hair stated storage of contractor equipment is allowed by-right in the industrial districts but requires a Conditional Use Permit in the B-3 General Business District.

Discussion by Planning Commission regarding 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 Planning Commission public hearing was held November 16, 2015 – (continued).

Commissioner Powers noted the vagueness of the term "screening". Ms. Hair stated it was left general to allow Planning Commission to determine the appropriate degree and location of any required screening.

Mr. Fain stated a storage building and trees block the view of his property from the Go Race parking lot.

Mr. Fain stated he owns the mobile home park surrounding the property. Mr. Fain stated he has not received a complaint from the residents of the mobile home park. Mr. Fain added if the contractor equipment storage became a problem for his mobile home park tenants he would fix the problem.

Commissioner Newell stated she visited the site. Commissioner Newell added the property does not appear sightly from North Franklin Street, northbound.

Commissioner Newell stated the unsightly nature of the property could be partially attributed to the noncompliant tenant storing inoperable vehicles. Commissioner Newell stated the dump trucks are clearly visible from the mobile home located directly behind the equipment. Commissioner Newell added the signs on the property did not appear to be representative of the business. Commissioner Newell stated the property looked incongruent with residential development, from North Franklin Street, southbound. Commissioner Newell noted the proposed use looks more industrial, whereas the Future Land Use Map identifies this area for mixed-use and residential development. Commissioner Newell stated screening with landscaping can take time for the vegetation to develop. Commissioner Newell stated a slatted fence is an appropriate material for screening contractor equipment. Commissioner Newell reiterated screening should hide the equipment from the street.

Commissioner Newell stated her desire to add a condition that would make the Conditional Use Permit non-transferable. Chairperson Moore inquired if the screening requirement can apply to the entire property. Commissioner Newell stated that the large dump trucks are visible from North Franklin Street. Commissioner Newell and Mr. Fain discussed the extent to which the dump trucks are parked towards the front of the property.

Chairperson Moore stated there are potential views from North Franklin Street. Chairperson Moore added that Planning Commission has required slat-type screening fences for similar Conditional Use Permits in the past. Commissioner Franusich asked if the Conditional Use Permit could be limited to one tenant, on the back half of the building. Chairperson Moore stated the Conditional Use Permit could be arranged this way, if desired by Planning Commission. Commissioner Franusich stated he would like to include a condition that only allows contractor storage on the back half of the building, for a single tenant.

Discussion by Planning Commission regarding 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 Planning Commission public hearing was held November 16, 2015 – (continued).

Commissioner Franusich stated the equipment should be screened from North Franklin Street.

Chairperson Moore inquired about the access for the mobile home located next to the storage building. Mr. Fain stated the mobile home does share the driveway access with the building and property for which he is seeking the Conditional Use Permit.

Mr. Fain stated he is requesting a conditional use permit for contractor storage for the entire building. Mr. Fain stated the building is designed for an industrial use. Mr. Fain added the property is not well-suited for general business.

Chairperson Moore asked if it would be possible to create an L-shape fence across the middle of the building to screen the view from North Franklin Street.

Commission Powers suggested the applicant continue to work with staff to refine the screening provisions. Commissioner Franusich stated that if the applicant seeks a Conditional Use Permit for the entire building the language will need to reflect that the screening will be adjusted as needed. Ms. Hair suggested a condition that would require screening from North Franklin Street. Commissioner Franusich agreed with this suggestion.

Chairperson Moore stated the vote will be postponed. Chairperson Moore stated the applicant will work with staff to come up with screening that is reasonable.

Chairperson Moore reiterated the importance of finding a solution that is reasonable for Mr. Fain and the business while still maintaining a view from the street that fits with the residential identity of the area.

Commissioner Newell requested staff to provide an update on the other tenant with the inoperable vehicles when this Conditional Use Permit returns to Planning Commission for a vote. Ms. Hair stated staff will provide an update when this item is brought back to Planning Commission.

Commissioner Powers asked if Planning Commission was satisfied with the other conditions, outside of the screening provision. Chairperson Moore asked if Planning Commission would consider allowing the equipment to be moved earlier than 7 a.m. to accommodate the contractor's work schedule. Ms. Hair stated the 7:00 a.m. start time is part of the Town Code regulating noise.

Chairperson Moore stated that a condition will be added to make this Conditional Use Permit non-transferable and Mr. Fain will work with staff to draft a more detailed screening condition.

Discussion by Planning Commission regarding 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 Planning Commission public hearing was held November 16, 2015 – (continued).

Commissioner Powers asked if the non-transferable condition would apply to the property owner or the tenant. Ms. Hair stated it would apply to the property owner since the property owner has applied for the Conditional Use Permit.

Commissioner Peeples made a motion to postpone action on a recommendation to Town Council until the next Planning Commission meeting. Commissioner Newell seconded the motion, which passed 8-0.

Discussion by Planning Commission regarding urban agriculture.

Commissioner Franusich stated an email address should be added to the zoning permit. Commissioner Franusich asked why the weight of the coop is relevant. Ms. Hair stated the weight allows staff to determine that the coop will not blow away. Commissioner Franusich stated the permit should note if the coop is portable. Ms. Morgan relayed a concern from Commissioner Carter that residents with portable coops will locate the coop within the setbacks. Commissioner Franusich suggested residents with portable coops identify the entire area on their site plan where the coop can be located. Commissioner Franusich also stated that the newspaper publication should be updated on the draft ordinance.

Chairperson Moore stated Planning Commission is not making a recommendation on this exact ordinance and permit. Chairperson Moore stated Planning Commission is voting on a recommendation to present this information to Town Council and suggesting Town Council move forward with a public hearing process that may result in a change to Town's ordinance.

Commissioner Collins stated his concern about safety and the presence of chicken coops in residential areas.

Commissioner Peeples stated the parameters laid out in the proposed ordinance and zoning permit cover many of her initial concerns. Commissioner Peeples added she believes this is a program Christiansburg should look forward to.

Chairperson Moore stated the controls and the costs are enough to deter casual practitioners.

Commissioner Newell made a motion that Planning Commission present the updated information to Town Council and request that Town Council decide whether or not it is appropriate to move forward with the public hearing process, understanding that the draft documents reflect the scope of an ordinance change. Planning Commission is comfortable putting forward. Commissioner Franusich seconded the motion. Commissioner Collins stated staff did a good job with the project. Commissioner Collins added that a "No" vote does not reflect the work done by staff.

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

The motion passed 7-1, with Commissioner Collins voting no due to health and safety concerns.

Chairperson Moore thanked staff and Planning Commission for their effort on this project.

Other Business.

Chairperson Moore opened the floor for discussion by Planning Commission regarding 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 Planning Commission public hearing was held during tonight's meeting.

Commissioner Newell asked why inoperable vehicles would be stored for upholstery services. Mr. Jones stated customers do not always license the vehicles if they are in disrepair.

Ms. Hair stated Mr. Jones could store no more than five inoperable vehicles with the Conditional Use Permit. Ms. Hair clarified automobile upholstery requires a Conditional Use Permit because of the storage of vehicles, some of which may be inoperable.

Commissioner Newell stated her concern that vehicles may be in the floodplain and the potential for pollution. Commissioner Newell also expressed concern with this area being an entry corridor into town and the impact inoperable vehicles may have on aesthetics.

Commissioner Sowers stated screening is not a feasible option with the size and layout of the property. Commissioner Newell agreed.

Commissioner Powers stated this is a good business and he is glad this business has come to Christiansburg.

Chairperson Moore asked if the limit of five vehicles is a total, including vehicles stored indoors and outside. Mr. Jones stated he was comfortable with five vehicles total. Chairperson Moore suggested a time limit for storing an inoperable vehicle on the property. Mr. Jones stated 90 days would be an acceptable time period. Mr. Jones asked if a time limit is applied to vehicle storage, he would like a record of the cars that are being tracked. Chairperson Moore suggested the time limit should only apply to the vehicles stored outside. Commissioner Collins asked if it was worthwhile to track the cars. Commissioner Collins stated five cars is still five cars, regardless of how long they have been stored. Commissioner Sowers stated the nature of the applicant's business would not be conducive to storing the same vehicle for a long period of time.

Other Business – (continued).

Mr. Jones asked how liberally “vehicle” can be defined. Mr. Jones stated a carnival ride folded up can be a commercial vehicle. Mr. Jones also stated some larger vehicles will not fit in the garage. Mr. Jones stated he would like the language regarding “work being done inside” to be more precise.

Commissioner Newell suggested upholstery work will be conducted inside the building. Chairperson Moore stated the removal of items that need to be upholstered will not be considered mechanical work.

Mr. Jones asked what constitutes automotive work. Mr. Jones stated the business includes replacing convertible tops. Mr. Jones asked if this would be considered mechanical work. Ms. Hair stated work incidental to upholstery, including convertible top, window, and door panel replacement is allowed. Ms. Hair clarified work typically performed at a commercial garage, including brake or engine work would not be allowed. Ms. Hair stated mechanical work typical of a commercial garage would require a separate Conditional Use Permit. Mr. Jones asked if he could perform mechanical work on his personal vehicles. Ms. Hair stated Mr. Jones can perform mechanical work only on his personal vehicles.

Mr. Jones asked if his business can perform electrical wiring. Ms. Hair stated would be allowed. Chairperson Moore clarified the applicant is not advertising all of these incidental services. Chairperson Moore stated the cosmetic and incidental services that a customer may need are allowed, so long as they are related to the upholstery work.

Commissioner Newell stated the phrase “work incidental to an automobile upholstery shop” is an appropriate qualifier to what encompasses the work the applicant can conduct.

Commissioner Newell asked if staff will inspect the property. Ms. Hair stated staff will perform monthly checks to ensure the conditions of the Conditional Use Permit are being met. Commissioner Newell suggested when the permit comes up for annual review, Planning Commission can look to the term “incidental” to gauge if their intent is being met.

Chairperson Moore asked Planning Commission if there were other items they would like to add. Commissioner Beasley stated he was comfortable with the conditions.

Chairperson Moore asked Mr. Jones if he was comfortable with the proposed conditions. Mr. Jones stated he was.

Mr. Jones asked about the proper disposal of waste materials. Ms. Hair advised Mr. Jones to speak with the Fire Marshall.

Other Business – (continued).

Chairperson Moore read through the proposed conditions.

1. The property is to be maintained in a clean, sanitary, and sightly manner.
2. This permit is for an automobile upholstery shop and applicable incidental work; however, this permit is not for a commercial 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 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), except for the five (5) inoperable vehicles permitted.
6. Storage of vehicles outside of the building shall be limited to 90 days.
7. Upholstery work is to be done inside the building and not outside.
8. There are to be no loud offensive noises so as to constitute a nuisance to the residential properties in the vicinity.
9. 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.
10. This permit shall be revocable for violations of Chapter 4 "Advertising" of the Christiansburg Town Code occurring on the property.
11. This permit is subject to inspections and approval of the facilities by the Fire Marshall and Building Official.
12. This permit shall be valid for the applicant only and is nontransferable.
13. This permit is subject to administrative review in 12 months.

Mr. Jones asked if picking up and transporting an inoperable vehicle to be upholstered would constitute a towing service. Ms. Hair stated this would not be considered towing.

Commissioner Beasley made a motion to recommend Town Council approve the Conditional Use Permit with the drafted conditions. Commissioner Sowers seconded the motion, which passed 8-0.

Chairperson Moore stated that Planning Commission has recommended the Conditional Use Permit for approval to Town Council. Chairperson Moore added Town Council will hold a public hearing and take a vote. Chairperson Moore thanked Mr. Jones and advised him to attend the Town Council meetings.

Other Business – (continued).

Chairperson Moore stated that Ms. Hair will be leaving the Town of Christiansburg to begin a new position as Deputy Town Manager for the Town of Pulaski. Planning Commission congratulated Ms. Hair. Ms. Hair added Ms. Morgan will be the acting secretary until a new Planning Director is hired and Mr. Randy Wingfield will be the acting Zoning Administrator.

Commissioner Newell asked Ms. Morgan to follow up on the necessary commissioner training for herself and Commissioner Peeples.

Ms. Morgan stated the Central Business Advisory Committee will present to Town Council on Tuesday, December 8<sup>th</sup> at 7:00 p.m. Ms. Morgan encouraged Planning Commission to attend because there will be overlap with the UDA project. Ms. Morgan added Chairperson Moore will also be presenting the urban agriculture information to Town Council at this meeting.

Ms. Morgan stated the joint meeting between the Development and Comprehensive Plan Subcommittees will take place on Wednesday, December 16<sup>th</sup> at 8:30 a.m.

There being no more business, Chairperson Moore adjourned the meeting at 8:32 p.m.

  
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Craig Moore, Chairperson

  
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Sara Morgan, Acting Secretary Non-Voting