

**Christiansburg Planning Commission
Minutes of December 14, 2015**

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

Absent: Steve Huppert

Staff/Visitors: Nichole Hair, Planning Director
Will Drake, staff
Gary Fain, 3543 Country Meadows Drive

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 stated during the December 8, 2015 Town Council public hearing for his Conditional Use Permit request, Gary Fain, 3543 Country Meadows Drive, presented a video. Chairperson Moore stated this video would be additional information for Planning Commission to take into consideration. Chairperson Moore suggested the video be presented during Planning Commission's discussion of the Conditional Use Permit and not during the public comment section of the meeting. There were no objections.

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

Approval of meeting minutes for November 30, 2015.

Chairperson Moore introduced the discussion. Vice-Chairperson Sowers made a motion to approve the November 30, 2015 Planning Commission meeting minutes. Commissioner Peeples seconded the motion, which passed 8-0. Commissioners Johnson and Carter abstained, as they were not present for the last 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 on November 16, 2015.

Mr. Fain stated he has a court date on January 8, 2016 with his tenant who is renting the front half of the property. Mr. Fain stated he offered the tenant a modified lease that would allow him to tow vehicles in violation. Mr. Fain added the tenant declined the modified lease. Mr. Fain provided a chart that documented the violation history with his tenant on the front half of the property.

Ms. Morgan stated staff inspected the property before tonight's meeting. Ms. Morgan added there were five inoperable vehicles on the property, which is below the threshold for a junkyard.

Mr. Fain stated the dump trucks operated by his tenant with the paving business are 11 feet high. Mr. Fain stated it would require a 12-foot fence to screen the vehicles. Mr. Fain added the tenant needs to be able to pull through the lot because the vehicles are large and that a fence would be prohibitive.

Mr. Fain stated he assembled a video to illustrate the visibility of the dump trucks from North Franklin Street. Mr. Fain presented his video, which included views of the property from North Franklin Street, facing perpendicular to the direction of travel. The video included the northbound and southbound vantage points. Mr. Fain stated the northbound view is pretty well blocked. Mr. Fain stated the trucks are more visible from the southbound view, but the view is brief. Mr. Fain added the northbound view is totally obscure and the southbound view lasts for a couple of seconds. Mr. Fain stated the top of the truck is barely visible.

Mr. Fain stated the lot is not large enough to add a gated fence and maintain the pull-through access that the trucks require. Mr. Fain added he reviewed the proposed conditions with the tenant and the tenant indicated they would not rent the property with a gated fence. Mr. Fain stated the proposed use has a low risk. Mr. Fain stated the tenant has been on the property for a year and he has not received any complaints and he is not aware that the Town has received complaints. Mr. Fain added the Town can revoke the Conditional Use Permit if there are problems. Mr. Fain stated contractor equipment storage is not the long term use for this property. Mr. Fain noted he received frequent inquiries on the property for retail space before 2008. Mr. Fain added the long term use for the whole area surrounding and including the property will likely be a different use.

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Mr. Fain stated the proposed use of contractor equipment storage fits the current building very well. Mr. Fain stated he could add some vegetation to screen the view from North Franklin Street for the two seconds the equipment is visible.

Commissioner Powers asked Mr. Fain if the tenant of the proposed use was only renting the back half of the property. Mr. Fain stated that was correct.

Commissioner Carter stated there are residential units adjacent to the property. Commissioner Franusich added there is a mobile home on the property, located directly behind the area where the dump trucks park.

Commissioner Powers asked if the dump trucks park in front of the mobile home located on the property. Mr. Fain stated that was correct. Mr. Fain added the building is too large to market to a single tenant. Mr. Fain stated the tenant with the contractor equipment occupies the rear half of the building and parks the dump trucks in the rear half of the parking lot. Mr. Fain added the trucks face North Franklin Street and the tenant pulls through onto Palmer Street to exit the property.

Chairperson Moore asked if the tenant with the dump trucks drives across the other tenant's section of the property to exit. Mr. Fain stated the driveway to exit onto Palmer Street is a shared driveway. Mr. Fain stated he has had occasional problems with the front tenant blocking the driveway and encroaching onto the paving tenant's space.

Commissioner Beasley stated the mobile home on the property is very close to the dump trucks. Commissioner Beasley asked if there had been any complaints from this unit. Mr. Fain stated he had not received a complaint. Mr. Fain added the resident of the mobile home had complained about the front tenant, but he has not had a complaint about the dump trucks.

Commissioner Franusich asked if the building north of the property is residential. Mr. Fain stated it is a residential unit that he rents out.

Vice-Chairperson Sowers asked if all the surrounding units are rentals. Mr. Fain stated the residents own their mobile homes and rent the lots.

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Commissioner Powers stated the property is zoned B-3 General Business. Commissioner Powers asked what type of landscaping would be required if the property was not zoned B-3 General Business and Mr. Fain were requesting a rezoning to B-3 General Business. Ms. Morgan stated a site plan with interior parking landscaping and 20% greenspace would be required.

Commissioner Newell asked if the paving tenant utilizes the building. Mr. Fain stated the tenant uses the back half of the building to store smaller equipment including tools and pavers. Commissioner Newell stated the tenant exits the property by pulling out onto Palmer Street and then turning onto North Franklin Street.

Commissioner Newell added to enter the property, the paving tenant has to come around the neighborhood and down Farmview Road. Mr. Fain stated the tenant comes down the private street, Hollybrook Drive, and is very respectful to the residents. Mr. Fain added the tenants have been good neighbors.

Mr. Fain stated the paving tenant used to park the equipment in various parking lots around town. Mr. Fain added the tenant cannot find a place to rent. Mr. Fain stated this is a service that is needed in the community but the tenants cannot find an accommodating property. Mr. Fain added he would not be pursuing the Conditional Use Permit if the tenant had another option.

Commissioner Powers asked if the paving tenant had a Christiansburg business license. Ms. Hair stated she was not aware of the tenant having a business license.

Commissioner Collins asked if the paving tenant would rent the front half the property if it became available. Mr. Fain said it was possible but he did not know. Ms. Morgan presented a series of pictures showing the view of the property from numerous vantage points. Ms. Morgan presented a picture taken from Hollybrook Drive, demonstrating the trucks shielded by the trees. Ms. Morgan presented a picture taken on Palmer Street, heading towards Sheetz, in which the trucks were not visible.

Chairperson Moore clarified the trucks were not visible when the picture was taken. Chairperson Moore added the Conditional Use Permit would apply to the entire property and the visibility of dump trucks in the future could be subject to change if the trucks were located on the front half of the property.

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Ms. Morgan presented a picture taken from the Sheetz parking lot showing that the trucks were not visible. Chairperson Moore clarified the trucks were not visible when the picture was taken. Chairperson Moore added the Conditional Use Permit would apply to the entire property and the visibility of dump trucks in the future could be subject to change if the trucks were located on the front half of the property. Commissioner Powers stated the Conditional Use Permit would cover the entire property unless Planning Commission added a condition limiting contractor equipment storage to the back half of the property.

Ms. Morgan presented a picture taken from the stop sign on Palmer Street, after exiting Sheetz. Ms. Morgan stated on that day the trees were shielding the view of the trucks.

Mr. Fain stated that none of the pictures were taken from North Franklin Street. Mr. Fain added the concern expressed by Planning Commission related to the view from North Franklin Street. Ms. Morgan stated pictures from North Franklin Street will be presented.

Ms. Morgan presented a series of pictures from North Franklin Street southbound. Ms. Morgan explained the trucks become more visible as a vehicle approaches the property.

Chairperson Moore asked if screening is required in the industrial districts. Ms. Morgan stated contractor equipment storage is allowed by-right in the industrial districts and screening is required.

Commissioner Franusich stated after watching the video and viewing the pictures he is less concerned with the screening from North Franklin Street, but very concerned with how close the equipment is to the residential uses. Commissioner Franusich added there is a lot of impact to the residential units located directly next to the equipment.

Commissioner Beasley stated he was concerned with the dump trucks driving down the residential roads. Commissioner Beasley added the paving tenants may drive carefully, but the presence of children is a concern.

Ms. Morgan stated Ms. Conner, the owner of the mobile homes along the back portion of Redwood Drive had called her and expressed concern with the trucks driving on Redwood Drive.

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Commissioner Newell expressed concern that the Conditional Use Permit would go with the property and not the tenant.

Commissioner Johnson inquired where the other paving companies park that service Christiansburg. Ms. Carter stated she believes the other companies are located in Montgomery County. Commissioner Carter stated the Town would be aware if this equipment was parked illegally around Christiansburg.

Chairperson Moore stated that the Conditional Use Permit is tied to the property, not the tenant. Chairperson Moore added the surrounding properties are owned by the same entity, but Planning Commission should consider how this proposed use may affect these properties in the future. Chairperson Moore stated the issue of screening had been brought forth. Chairperson Moore added a Conditional Use Permit generally includes all the requirements of what would be required in the by-right district.

Commissioner Powers stated the large monetary investment in screening may prohibit the property from transitioning to a commercial use in the future.

Commissioner Franusich stated if the equipment is too large to be screened than this is probably not the appropriate use for this property. Commissioner Carter stated the large screening may not be appropriate to a future tenant.

Commissioner Johnson asked if the property might eventually transition to residential use. Ms. Morgan stated the Future Land Use Map designates the property for mixed use. Commissioner Powers stated the future land use designation is mixed use with buffer, residential and business. Commissioner Powers noted the area currently has a mix of residential and business uses.

Commissioner Beasley stated he was concerned where the tenant would relocate if the Conditional Use Permit was denied.

Commissioner Collins asked if the tenant had a business license. Ms. Hair stated she did not believe the tenant had a business license. Ms. Hair stated the tenant was operating out of his mother's home prior to renting the property in question. Ms. Hair added the tenant was in violation of the zoning ordinance by keeping the equipment at his mother's residence and the Town had received complaints. Ms. Hair clarified the applicant attempted to apply for a business license after locating to Mr. Fain's property and this triggered the Conditional Use Permit process. Ms. Hair added the tenant would be eligible for a business license with an approved location.

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Commissioner Collins stated he would prefer to see well-kept dump trucks in the front of the property over the current use as automobile storage. Commissioner Collins stated the screening may not be necessary. Commissioner Carter noted paving is not done year-round. Chairperson Moore stated the dump trucks are kept in good condition, but that may not always be the case. Chairperson Moore added the Planning Commission cannot stipulate how the trucks look or are kept up. Ms. Morgan stated fencing also helps reduce the potential for vandalism to the equipment.

Commissioner Collins asked if there were similar properties in Christiansburg that are not screened. Ms. Hair stated she was not aware of any. Ms. Hair stated all of the properties with contractor lots that she has dealt with have screening. Chairperson Moore stated screening has been an important condition of this type of Conditional Use Permit in the past. Ms. Hair added screening in the industrial districts must be a fence. Chairperson Moore asked if the language of "screening" needed to be clarified. Commissioner Beasley stated based on the use, the type of screening needs to be specific. Ms. Hair stated she suggested several types of fencing to Mr. Fain but he did not agree with those suggestions.

Commissioner Carter stated the available space on the property would make it difficult to install screening. Vice-Chairperson Sowers and Commissioner Beasley noted the issue with locating screening next to the mobile home on the property. Commissioner Newell stated the mobile home residents own their home but rent the land. Commissioner Newel added this form of tenancy would make it difficult for the residents to move if they were unhappy with the conditions on the property. Commissioner Newell added there are not a lot of properties that allow for mobile homes to be brought in.

Mr. Fain stated the mobile home within the property is owned by the resident and they rent the space from him. Commissioner Newell noted during the Town Council public hearing the applicant had stated that fencing would result in the property being unsuitable for the dump trucks. Commissioner Powers stated the entire perimeter of the property would need to be fenced. Commissioner Beasley noted this would also fence in the mobile home on the property. Chairperson Moore suggested an opening on the side of the property to allow the resident access to the property.

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Commissioner Powers stated that Planning Commission had asked Mr. Fain to work with staff to devise a proposal for screening during the last Planning Commission meeting. Commissioner Powers stated the applicant has indicated it is not feasible to screen the property. Commissioner Peeples stated the Planning Commission has required screening for previous Conditional Use Permits. Commissioner Peeples added the Planning Commission needs to be consistent with the screening requirements.

Commissioner Newell stated a lot of staff time is required for proactive enforcement when the screening condition allows for the applicant to install a screening material of their choice. Commissioner Johnson suggested Leyland cypress trees would be preferable to a 12-foot fence. Commissioner Johnson asked if the trees would eventually hinder access to the property. Mr. Fain stated trees could be planted along the front of Palmer Street, facing North Franklin Street.

Chairperson Moore asked how much time Planning Commission could give Mr. Fain to propose a specific screening provision. Ms. Hair stated it would delay Town Council, although Town Council could act without a recommendation from Planning Commission. Commissioner Peeples asked how specific the screening requirement should be worded. Commissioner Peeples asked if the trucks would be fully screened from view. Ms. Hair stated the condition was worded in a general nature when it was presented during the Town Council public hearing because Mr. Fain had indicated that he did not believe screening needed to be added. Chairperson Moore asked if there was any desire to reword the screening provision. Commissioner Collins suggested adding trees to the front of the property along Palmer Street.

Commissioner Franusich stated he is concerned that the Conditional Use Permit is not tied to the current tenant and the close proximity of the use to the residential units. Commissioner Newell added vegetative screening would take time to grow.

Commissioner Newell made a motion to deny the Conditional Use Permit as presented. Commissioner Carter seconded the motion.

Commissioner Newell stated she was concerned with the proximity to residential units, the fact that the property is not located in an industrial district, and that the Conditional Use Permit is not tied to the current tenant. Commissioner Powers stated the Comprehensive Plan identifies this area for business and residential uses and not as an industrial area. Commissioner Franusich stated the proposed use does not match the Comprehensive Plan. The motion passed 9-1, with Commissioner Collins voting against the motion.

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Chairperson Moore advised Mr. Fain the Planning Commission will recommend that Town Council deny the Conditional Use Permit request. Chairperson Moore added the Town Council may review the meeting minutes of this discussion. Chairperson Moore stated the public hearing portion has concluded, but Town Council may have additional questions for Mr. Fain. Chairperson Moore stated a detailed screening plan may have been an important condition for some Commissioners. Chairperson Moore stated this is Planning Commission's recommendation but Town Council will make its own decision. Ms. Hair stated if Town Council were to deny the Conditional Use Permit Mr. Fain would have to apply for a new Conditional Use Permit if he wanted to modify his request and try again.

Other Business.

Ms. Morgan stated Chairperson Moore presented Planning Commission's recommendation regarding the urban agriculture draft ordinance and zoning permit at the Town Council meeting on December 8, 2015. Ms. Morgan added Town Council has decided to move ahead with the public hearing process. Ms. Morgan stated the Planning Commission public hearing is scheduled for December 28, 2015 and advertisements for the public hearing have been sent out.

Commissioner Powers requested staff to notify the interested citizens through email. Ms. Hair stated there were two residents who had requested to be notified and staff would send them email notification.

Commissioner Powers suggested postponing the joint meeting between the Development and Comprehensive Plan Subcommittees scheduled for Wednesday, December 16th at 8:30 a.m. Planning Commission agreed to add the UDA updates to the agenda of an upcoming Planning Commission meeting.

Chairperson Moore requested the Commissioners to notify himself, Vice-Chairperson Sowers and Ms. Morgan if they cannot attend the December 28th Planning Commission meeting. Chairperson Moore added the Planning Commission will need to ensure it has a quorum for the urban agriculture public hearing.

Commissioner Collins asked Ms. Hair if this was her last Planning Commission meeting. Ms. Hair stated this was her last Planning Commission meeting. Ms. Hair added that December 31, 2015 will be her last day working for Christiansburg.

Other Business - (continued).

Commissioner Collins and the rest of Planning Commission expressed their gratitude to Ms. Hair for her work and service.

Chairperson Moore stated the Planning Commission and staff have provided a lot of information for Town Council to consider for the Conditional Use Permit that was discussed earlier. Chairperson Moore thanked Planning Commission and staff for the way they conducted themselves throughout the process.

There being no more business, Chairperson Moore adjourned the meeting at 8:06 p.m.

Craig Moore
Craig Moore, Chairperson

Sara Morgan
Sara Morgan, Acting-Secretary Non-Voting