

**Christiansburg Planning Commission  
Minutes of February 29, 2016**

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, Secretary Non-Voting

Staff/Visitors: Andrew Warren, Planning Director  
Will Drake, staff  
Cory Hubbard, 980 Roanoke Street  
Maggie Moran, 980 Roanoke Street  
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. With no comments, Chairperson Moore closed the floor for public comment.

Approval of meeting minutes for February 16, 2016.

Chairperson Moore introduced the discussion. Chairperson Moore stated the meeting minutes were revised by Mr. Wingfield, Assistant Town Manager/Zoning Administrator, to include some edits to the transportation discussion held during the previous Planning Commission meeting. Mr. Warren, Planning Director, stated the most substantial edit modified the stated share of the signal cost proffered by the developer of Quin Stuart Boulevard for the signal at the intersection of Quinn Stuart Boulevard N.W. and Peppers Ferry Road N.W. from 20 percent to 25 percent. Commissioner Newell made a motion to approve the February 16, 2016 Planning Commission meeting minutes. Vice-Chairperson Sowers seconded the motion, which passed 10-0.

Discussion by Planning Commission regarding a Conditional Use Permit request by Cory Hubbard, agent for Paul A. Haynes, for towing service and a commercial garage at 980 Roanoke Street (tax parcel 498 - ((12)) - 1) in the I-2 General Industrial District. The Planning Commission public hearing was held on February 16, 2016.

Chairperson Moore introduced the discussion and read the proposed conditions of the Conditional Use Permit.

1. The property is to be maintained in a clean, sanitary, and sightly manner.
2. This permit is for a single towing service and commercial garage, not a body shop or for conducting bodywork.
3. Mechanical work is to be done inside the building and not outside.
4. All parts, including faulty parts, tires, etc. are to be kept inside the garage or a fully enclosed building (including a roof) until disposal.
5. 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.
6. There will be no storage of vehicles upon the premises except for vehicles left for temporary storage. All vehicles are to be kept on-premises and not within any public right-of-way or adjacent property. All vehicles on the property are to have a State inspection decal that is either valid or dated within 90 days of its expiration. Any towed vehicles are to remain on-premises no longer than three months.
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 between 7:00 p.m. and 7:00 a.m.
9. All towed vehicles and/or vehicles left for repair are to be stored within an area surrounded by a minimum eight-foot tall fence. The northeast section of the fence, visible from street right-of-way and identified on the "Screening Plan" dated February 26, 2016 will feature a privacy fence obscuring the view of the storage lot and its contents. Such fence is to be constructed of durable materials and maintained in a sightly manner and installed within six months of the CUP approval date.
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 a single business to operate a towing service and/or commercial garage.
13. This permit shall be valid for the applicant only and is nontransferable.
14. This permit is subject to administrative review in 12 months.

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Ms. Morgan, Planner II, stated the Planning Department met with Mr. Hubbard and the property owner, Mr. Haynes, on site and discussed the options for vehicle screening. Ms. Morgan stated the language in condition nine was chosen to provide the applicant flexibility to utilize a screening material that would work for them in terms of function and cost. Ms. Morgan noted the "Screening Plan" identifies the location where the screening material will be attached to the chain-link fence. Ms. Morgan stated this area was selected to be screened because it is visible from the street right-of-way.

Ms. Morgan stated there is no room to plant trees on the eastern edge of the property. Commissioner Newell asked if trees could be planted along the west side of the creek. Ms. Morgan stated the parcel on the other side of the property is not owned by Mr. Haynes.

Commissioner Collins asked how many trucks could fit within the fenced security lot. Ms. Morgan replied two trucks could fit in the security lot.

Commissioner Collins asked where the workers would park their personal vehicles. Ms. Morgan stated the worker's vehicles would be located in the parking area in front of the building.

Commissioner Beasley asked Mr. Hubbard if he was comfortable with the conditions. Mr. Hubbard stated he was not comfortable with the wording of condition nine. Mr. Hubbard stated he may need to park a truck or trailer outside the fence for a short period of time. Mr. Hubbard noted the language of condition nine would put him in violation.

Chairperson Moore asked Mr. Hubbard how much time he would need to either move the truck within the security lot or transfer the vehicle to the Dublin facility. Mr. Hubbard stated a trailer may be repaired and waiting for the owner to pick it up, at which point Mr. Hubbard would not have ties to the vehicle and may be unable to move it.

Chairperson Moore stated Mr. Hubbard may need longer than 24 hours in order to make the necessary logistical arrangements. Mr. Hubbard stated he wanted to be honest with Planning Commission about potential situations that may arise. Mr. Hubbard stated he does not intend to push the limits on his permit, but he would prefer to have language in the condition to accommodate extenuating circumstances. Mr. Hubbard stated he does not want to violate his permit or have issues when the 12-month review is brought before Planning Commission.

Chairperson Moore noted the permit is up for review in a year and Planning Commission has the option to reconsider the conditions set forth.

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Commissioner Powers suggested condition nine should apply only to inoperable vehicles. Commissioner Powers stated a repaired truck or trailer waiting for pick-up is not of concern. Commissioner Powers noted the vehicles of concern are the wrecked trucks and trailers that need to be located within the security fence.

Chairperson Moore stated condition 9 should be worded to allow Mr. Hubbard a set period of time to situate and transfer vehicles as needed. Chairperson Moore noted Mr. Hubbard may respond to a multi-vehicle incident and Mr. Hubbard will require time to clear the accident before situating and transferring the vehicles.

Commissioner Franusich suggested a 48-hour time period.

Commissioner Newell asked if a repaired vehicle outside the security lot waiting for pick-up by the owner would put Mr. Hubbard in non-compliance. Chairperson Moore stated the suggestion by Commissioner Powers to only apply condition nine to inoperable vehicles would address this issue and allow repaired trucks and trailers to sit outside the security lot.

Chairperson Moore stated weather conditions may necessitate a longer time period. Commissioner Powers suggested Planning Commission set a time period and include language to allow staff to grant an extension for extenuating circumstances. Commissioner Powers suggested Mr. Hubbard can proactively notify staff if he needs an extension. Commissioner Newell noted this would help staff with enforcement.

Chairperson Moore asked Mr. Hubbard what time period would work for him. Mr. Hubbard requested three days. Mr. Hubbard asked for clarification on a repaired vehicle that is operable and waiting for the owner to take possession. Chairperson Moore stated an operable vehicle could be parked outside the security lot and not be subject to condition nine.

Commissioner Collins asked Mr. Hubbard how he would interpret a vehicle Mr. Hubbard repossessed for the bank. Mr. Hubbard stated he does not engage in this type of work. Mr. Hubbard noted he will occasionally take possession of an abandoned truck. Mr. Hubbard stated those trucks are operable and would be transferred to Dublin because the facility is more secure.

Mr. Hubbard stated he is requesting three days because a weather event may prevent him from locating a vehicle within the security in a shorter period of time. Chairperson Moore stated this would be considered an extenuating circumstance for which Mr. Hubbard could notify staff. Mr. Hubbard asked what if he needs to notify staff over the weekend. Vice-Chairperson Sowers stated Mr. Hubbard could leave a message for staff and they would document the request.

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Commissioner Newell suggested Mr. Hubbard could be allowed 72-hours to move inoperable vehicles to the security lot or contact staff and ask for an extension in the event of extenuating circumstances. Chairperson Moore stated the request for an extension was not to be abused. Chairperson Moore added staff would document the extension requests and Planning Commission would review the requests for abuse at the 12-month review. Chairperson Moore noted Planning Commission is attempting to be flexible while also providing some limits. Chairperson Moore noted Planning Commission is attempting to balance the unique characteristics of Mr. Hubbard's situation with the similarities of previous Conditional Use Permit requests.

Commissioner Collins asked why screening may be required for some applicants and not others. Chairperson Moore stated the impact of the use and the surrounding zoning may impact the appropriateness of certain conditions. Commissioner Powers stated the conditions for Mr. Hubbard may be more stringent than similar Conditional Use Permits in the past. Commissioner Powers stated this Conditional Use Permit may be a standard for Planning Commission to use in the future. Commissioner Newell noted Mr. Hubbard's Conditional Use Permit may be more stringent due to previous permits not being in compliance. Commissioner Newell noted the language provides flexibility for each site and each business. Chairperson Moore noted the conditions must be worded in a manner that is enforceable by staff.

Mr. Warren noted the Conditional Use Permits that were discussed at the previous Planning Commission meeting have been added to the monthly compliance checks performed by staff.

Commissioner Newell asked when Planning Commission began performing annual or bi-annual reviews of Conditional Use Permits. Mr. Warren stated he was not sure and would need to research the matter. Commissioner Newell noted at some point in time the condition for a 1-year review was added to Conditional Use Permits. Chairperson Moore stated he did not remember the Conditional Use Permits being brought before Planning Commission for an official administrative review in 2008. Chairperson Moore noted staff performs compliance checks on Conditional Use Permits but does not bring them to Planning Commission unless there is an issue with compliance.

Commissioner Newell asked if the adjacent properties are owned by the same owner. Ms. Morgan stated the adjacent properties are all owned by different entities.

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Commissioner Newell asked for clarification on condition 13. Commissioner Newell asked if the applicant is Mr. Hubbard or the property owner, Mr. Haynes.

Commissioner Newell asked if the Conditional Use Permit is attached to the property owner or the business. Commissioner Franusich stated the property owner has to be the applicant for a Conditional Use Permit. Commissioner Powers stated Mr. Haynes is the applicant and the conditional Use Permit is not transferable if Mr. Haynes sells the property.

Commissioner Franusich stated if Mr. Hubbard were to leave the property another business could utilize the Conditional Use Permit, so long as it was in compliance with the conditions of the Conditional Use Permit.

Commissioner Johnson asked Mr. Hubbard if he was comfortable with the third condition. Mr. Hubbard stated this condition was similar to the condition on his Dublin facility. Mr. Hubbard asked checking fluids, tire pressure, and other pre-treatment work was allowed. Planning Commission stated those activities were not mechanical work and would not need to be conducted inside.

Commissioner Johnson asked if all trucks require state inspection stickers. Chairperson Moore clarified the tractor and the trailer both must have an inspection decal. Mr. Hubbard replied they would either have a state sticker or a federal inspection sticker. Commissioner Johnson suggested rewording condition six to require either a state or federal inspection sticker. Planning Commission agreed.

Chairperson Moore noted a farm vehicle is not required to have a state inspection. Commissioner Newell stated the inspection decal requirement would not be applicable to farm vehicles.

Commissioner Franusich asked if Planning Commission finalized the wording of condition nine in regards to vehicle storage. Chairperson Moore suggested condition nine limit inoperable vehicles to being left outside the security lot for no longer than than 96 hours. Mr. Hubbard stated this would work for him.

Chairperson Moore stated this condition would be largely complaint-driven and staff would not be expected to monitor the property every few days.

Commissioner Collins asked if the Conditional Use Permit is in the applicant's name or the property owner's name. Commissioner Collins noted he would like to be consistent with previous Conditional Use Permits. Chairperson Moore stated staff would need to review previous Conditional Use Permits. Chairperson Moore noted the applicant and owner is often the same person. Commissioner Powers suggested the wording of condition 13 be changed from "applicant" to "property owner" for clarity and be consistent with this terminology moving forward.

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Commissioner Newell stated the Conditional Use Permit requires the applicant to be the property owner and allows an agent or broker to represent the applicant.

Commissioner Collins stated if the wording of condition 13 was changed to “property owner” the intent of Planning Commission would be clear. Planning Commission noted the Conditional Use Permit application identifies Mr. Haynes as the “landowner.” Planning Commission agreed to update the Conditional Use Permit application to list “property owner” instead of “landowner.” Planning Commission agreed to change condition 13 to “landowner (property owner).”

Commissioner Newell stated if Mr. Haynes sold his property and Mr. Hubbard wanted to retain his business at 980 Roanoke Street, the new property owner would have to re-apply for the Conditional Use Permit. Mr. Hubbard stated the non-transferable condition is a problem for him. Mr. Hubbard stated he paid \$750 for the Conditional Use Permit application but if Mr. Haynes were to not renew Mr. Hubbard’s lease, he has either added value to Mr. Haynes’ property at his own expense. Mr. Hubbard stated he has a lease with Mr. Haynes, but if Mr. Haynes sells the property he would have to repeat the Conditional Use Permit request. Mr. Hubbard stated it did not seem appropriate he would have to repeat the process and pay another \$750.

Chairperson Moore asked if the Conditional Use Permit could be valid for a specific business. Commissioner Carter stated Planning Commission needs clarification on the applicant/agent distinction.

Mr. Warren stated his understanding is that the intent of condition 13 and similar conditions adopted in the past are to apply to the person, either as the agent and/or applicant who is actively seeking the Conditional Use Permit.

Commissioner Franusich stated condition 13 exists to limit the conditional use from being abused and being transferred between property owners for many years. Commissioner Franusich noted this has been a problem in Christiansburg in the past.

Mr. Hubbard stated it does not seem fair for him to work with Planning Commission on the terms of the conditions and not have a guarantee that he can maintain the conditional use so long as he rents the space, regardless of the property owner.

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Commissioner Newell stated her personal experience with purchasing property contingent on an approved Conditional Use Permit in 2003. Commissioner Newell stated in her case, the applicant was the current property owner but the Conditional Use Permit was attached to the property and not tied to the current owner.

Commissioner Newell stated Planning Commission has reviewed other Conditional Use Permits where the agent has come before Planning Commission and Planning Commission has attached the conditions to the property. Commissioner Newell noted there is enhanced value obtained by the property owner and the tenant is at risk.

Commissioner Collins stated in his experience it appears conditions have been attached to the agent. Commissioner Franusich stated there have been a number of recent Conditional Use Permits where the property owner was applying for the CUP and this is a unique case where the agent and property owner are different.

Chairperson Moore asked Ms. Morgan who staff would contact if there was a compliance issue. Ms. Morgan stated staff would contact Mr. Hubbard if there was an issue with compliance. Ms. Morgan noted both Mr. Hubbard and Mr. Haynes would receive notice if an official violation was sent.

Commissioner Franusich stated Town Code uses language distinguishing landowner from agent. Commissioner Newell stated Planning Commission has been using a distinction between applicant and agent. Commissioner Newell stated the distinction should be between landowner and applicant/agent.

Chairperson Moore stated he was comfortable using "applicant" for condition 13 and stated staff needs to research this issue. Commissioner Newell noted the Conditional Use Permit application needs to use consistent language. Chairperson Moore stated the application should have an entry for the property owner and an entry for the agent/applicant. Chairperson Moore asked if there should be a signature line for the agent/applicant, along with the property owner.

Commissioner Peeples noted the affidavit on the Conditional Use Permit specifically states the conditions are placed on the property.

Commissioner Carter stated she likes Chairperson Moore's suggestion to use "applicant/agent" for condition 13.

Commission Franusich stated the Conditional Use Permit application should ask if the agent or the landowner is the applicant.

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The Planning Commission public hearing was held on February 16, 2016 – (continued).

Commissioner Newell noted the point made by Commissioner Peeples that Mr. Haynes signed an application stating the Conditional Use Permit applies to the property. Chairperson Moore stated the Conditional Use Permit applies to the property but condition 13 is a sunset clause prohibiting the transfer of the Conditional Use Permit.

Planning Commission agreed to apply condition 13 to the applicant (agent) only and be nontransferable. Chairperson Moore clarified the Conditional Use Permit sticks with Mr. Hubbard and if Mr. Hubbard leaves the property the Conditional Use Permit is void. Chairperson Moore stated if Mr. Haynes were to sell the property, Mr. Hubbard could continue to operate under the Conditional Use Permit, provided he secured a lease agreement with the new property owner. Mr. Hubbard stated he felt this condition was fair.

Chairperson Moore stated Planning Commission has modified conditions six, nine, and 13. Commissioner Newell stated her concern with the numerous vehicles parked in the area and noted Mr. Hubbard may have difficulty maneuvering his trucks. Chairperson Moore stated staff can investigate parking complaints on the adjacent properties.

Commissioner Powers stated the Comprehensive Plan designates 980 Roanoke Street as Buffer-Industrial on the Future Land Use Map. Commissioner Powers noted this land use allows for industrial uses so long as they are sensitive to less-intensive adjacent land uses. Commissioner Powers stated the conditions added to the Conditional Use Permit satisfy this requirement.

Commissioner Franusich made a motion to recommend Town Council approve the Conditional Use Permit with the drafted conditions. Commissioner Collins seconded the motion, which passed 10-0.

Chairperson Moore advised Mr. Hubbard Planning Commission voted to recommend his Conditional Use Permit request to Town Council. Chairperson Moore stated the Town Council public hearing will be held March 8, 2016 and advised Mr. Hubbard to attend. Chairperson Moore stated Town Council will make the final decision on whether to approve or deny the Conditional Use Permit request. Chairperson Moore suggested Mr. Hubbard let staff know if a work situation prevents him from attending the public hearing. Chairperson Moore added staff can inform Town Council and request the decision be postponed in order for Mr. Hubbard to attend.

Commissioner Collins asked staff to follow up with the town attorney on the Conditional Use Permit application language related to applicant/agent.

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Commissioner Powers thanked Mr. Hubbard for his time and thanked staff for working with Mr. Hubbard on the detailed screening provisions. Mr. Hubbard thanked Planning Commission for their time.

Other business.

Chairperson Moore introduced the discussion. Chairperson Moore asked Ms. Morgan when the Urban Development Areas (UDA) consultant would present to Planning Commission. Ms. Morgan stated she did not know when the consultant would return. Chairperson Moore stated the UDA presentation should not be scheduled for the Planning Commission meeting that overlaps with the Certified Commissioner Training. Commissioner Peeples stated she and Commissioner Newell will attend the Certified Commissioner Training during the next Planning Commission meeting on March 14, 2016.

Chairperson Moore stated Planning Commission should direct citizens to reach out to staff if they have any recommendations or input on the UDAs. Chairperson Moore stated there will be a public comment opportunity for the UDAs in the future. Mr. Warren stated the Planning Department is still working to verify the developable parcels identified by the consultant.

Commissioner Franusich asked if the passenger rail project has affected the UDA study. Ms. Morgan stated it has not come up in discussion. Ms. Morgan noted the Planning Department is still working on the selection of developable parcels within the UDAs and potential rail sites have not been part of the analysis.

Commissioner Beasley asked if staff has received any urban agriculture permits. Ms. Morgan stated several permits have been given out, but none have been submitted for review. Commissioner Newell asked if the urban agriculture permit is available online. Ms. Morgan stated the permit is available online.

Commissioner Beasley stated his wife works for Rackspace in Blacksburg. Commissioner Beasley stated Rackspace participates in a community service project as part of the Big Event at Virginia Tech. Commissioner Beasley noted Rackspace is looking to complete a community service project in Christiansburg this year and asked Planning Commission to send him any project suggestions.

Other business – (continued).

Commissioner Johnson stated Town Council will hold a joint work session with the Parks and Recreation Advisory Commission on Monday, March 7, 2016 from 5:30 - 7:00 p.m. at the Christiansburg Recreation Center to discuss the proposed Master Plan for the Truman Wilson Park. Commissioner Johnson stated a Public Information Meeting on the Truman Wilson Park Master Plan will be held from 7:00 - 9:00 p.m. at the Recreation Center following the work session.

Ms. Morgan thanked Commissioner Beasley for reminding her Planning Commission has not been compensated for the fourth quarter of 2015. Ms. Morgan stated she will deliver the paperwork to the Finance Department by the next day.

Ms. Morgan stated the Bikeway Walkway joint meeting with the Town of Blacksburg's Corridor Committee is scheduled for Friday, March 4, 2016 at 7:30 a.m. at the Blacksburg Motor Company building, 400 South Main Street, Blacksburg, Virginia.

Ms. Morgan stated the Regional Commission – Planning Commission Training is scheduled for April 21, 2016. Mr. Warren stated staff will provide additional information and work to coordinate a carpool. Mr. Warren stated the Town will cover the cost of the dinner for Commissioners as it has in the past and noted an informational flyer will be available in the next few weeks.

Commissioner Powers asked what topics the training will cover. Mr. Warren stated the general topic is housing and may feature discussions on tiny homes and Airbnb.

Commissioner Carter suggested Planning Commission consider revisiting a proposed food truck ordinance. Commissioner Carter noted Mr. Warren recently worked on a food truck ordinance for Blacksburg. Commissioner Powers suggested the Development Subcommittee could review this issue when it meets in March to discuss a potential code change involving steps and porches in the front setback.

Commissioner Peeples encouraged everyone to exercise their right to vote in the presidential primary election tomorrow, March 1, 2016. Commissioner Peeples noted residents can vote at their regular voting locations.

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

  
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Craig Moore, Chairperson

  
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Sara Morgan, Secretary Non-Voting