

Christiansburg Planning Commission
Minutes of July 31, 2017

Present: Harry Collins
Mark Curtis
Catherine Garner
Hil Johnson
Jeananne Kries
Craig Moore, Chairperson
Ann Sandbrook
Jennifer D. Sowers, Vice-Chairperson
Andrew Warren, Secretary Non-Voting

Absent: Matt Beasley
David Franusich

Staff/Visitors: Will Drake, staff
Jared Crews, staff
Chip Dicks, Lamar Advertising Company
Aaron Brady, Lamar Advertising Company
Avery Grabenstein, Montgomery County Chamber of Commerce
Pipa Winchester, City of Lexington Planning Commission

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

Approval of Planning Commission Minutes for July 17, 2017 Meeting

Chairperson Moore introduced the discussion. Commissioner Johnson made a motion to approve the July 17, 2017 Planning Commission meeting minutes. Commissioner Kries seconded the motion, which passed 6-0. Commissioner Curtis and Vice-Chairperson Sowers abstained, as they were not present for the previous meeting.

Discussion for a proposed sign ordinance amending Chapter 42 – Zoning of the Town Code for the purpose of regulating the time, place, and manner of displaying signs in the Town of Christiansburg.

Mr. Warren stated he met with the Chamber of Commerce on Wednesday, July 26th and the draft ordinance was well received with no additional comments from the Chamber.

Mr. Warren stated the Planning Commission may wish to discuss three items: 1) comments and concerns previously expressed to staff and discussed by the Development Subcommittee, 2) the overlay allowing businesses in the B-3 district within 1000 feet of the I-81 Interstate at exits 118C and 114 to have additional on-premises signage, and 3) the nonconforming language for signage related to the billboards on Peppers Ferry Road, N.W. partially covered by the Renva W. Knowles Bridge. Mr. Warren stated the Development Subcommittee did not recommend to change the language regarding nonconforming signs. Mr. Warren stated there was a desire for any potential language to limit staff discretion.

Chip Dicks, Future Law, LLC, representing Lamar Advertising Company, stated the Knowles Bridge obstructs the visibility of two billboard signs and Lamar Advertising Company is requesting language be added to the nonconforming section of the code to allow a sign obstructed by a public bridge structure be raised in order to reestablish comparable visibility to its original installation. Mr. Dicks stated the bridge is one of the only ones in Virginia that was not constructed as part of a road project and therefore not subject to the applicable Code of Virginia statute which would allow the signs to be raised.

Mr. Dicks stated the language proposed by Lamar was designed to be precise in order to address the specific situation of the Knowles Bridge and would limit changes to only the height of the signs. Mr. Dicks stated the process would be completed through building permits approved by the Planning Director and include a survey showing the proposed increase of the sign height.

Chairperson Moore asked whether the six-inch clearance above the bridge railings was designed for viewing from vehicles or based on elevation. Mr. Dicks stated the language is designed to reestablish the visibility of the signs prior to the construction of the bridge structure.

Commissioner Johnson asked if other obstacles would be in the way of raising the signs. Mr. Warren stated the bridge structure is the only obstruction covered by the proposed language and no further change to the language of the non-conforming section to accommodate other structures would need to be considered.

Chairperson Moore asked whether the structural loading would be changed by the raising of the sign. Mr. Dicks stated the building permit process would apply and the Building Official would determine any necessary provisions under the Virginia

Discussion for a proposed sign ordinance amending Chapter 42 – Zoning of the Town Code for the purpose of regulating the time, place, and manner of displaying signs in the Town of Christiansburg – (continued).

Rehabilitation Building Code. Mr. Dicks stated he did not foresee a problem with raising the signs.

Commissioner Kries questioned what precedent would be set and what would happen if a new structure was constructed in front of other nonconforming signs. Mr. Warren stated a similar scenario would be unlikely but would have to be considered on a case-by-case basis.

Mr. Dicks stated the language only addresses public bridge structures and stated he did not believe a precedent would be set due to the specificity of the case and the language. Mr. Dicks stated the nonconformance of the signs would not be increased and the height would be the only change.

Commissioner Garner stated this language would allow for a nonconforming sign to remain which would be adverse to the Town's goal to bring all signs into conformance. Commissioner Garner stated legal action should have been taken but the statute of limitations had passed. Commissioner Garner suggested the height of the signs be raised by 10 or 25 percent, instead of the proposed 6 inches above the railings.

Vice-Chairperson Sowers stated both signs were larger than signs allowed under the current ordinance. Mr. Warren stated both signs are 300 square feet while the maximum size allowed under the current code is 50 square feet for an allowable off-premise sign.

Aaron Brady, Lamar Advertising Company, stated Lamar met with the Town Manager and Planning Director before the bridge was constructed and discussed the option for bringing forward a text amendment to the Planning Commission and Town Council. Mr. Dicks stated Lamar made a business decision to bring the issue before the Planning Commission instead of taking legal action when the bridge was constructed.

Mr. Dicks stated raising the signs 10 or 25 percent would not restore visibility and Lamar was not interested in such a compromise. Mr. Dicks stated steel signs like those in question will remain for a significant amount of time and all nonconforming aspects of the sign will remain the same other than their height.

Commissioner Collins asked whether the signs could be relocated. Mr. Warren stated relocation would be unlikely. Commissioner Johnson questioned if Lamar had been told by the advertisers that advertising would be removed if the signs were not raised. Mr. Dicks stated Lamar had not received any such statements.

Discussion for a proposed sign ordinance amending Chapter 42 – Zoning of the Town Code for the purpose of regulating the time, place, and manner of displaying signs in the Town of Christiansburg – (continued).

Commissioner Sandbrook stated she favored the language addressing the Planning Director's ability to make determinations on a case-by-case basis. Commissioner Sandbrook stated she saw no major appearance issues if the signs are raised as they are covered by trees on their backside but questioned the future land use plans for the area. Mr. Warren stated the sign is located on Norfolk Southern right-of-way and noted the adjoining town-owned property is the planned location of the future regional park development and connector road.

Commissioner Knies questioned whether the nonconforming signs could be taken down and a new conforming sign be installed. Mr. Warren stated one conforming sign could take their place and would be tall enough to clear the bridge.

Commissioner Johnson asked whether make-shift signs such as "no pipeline" signs put up by property owners would be covered by the draft ordinance. Mr. Warren stated these signs may be likely considered freedom of speech and a determination would have to be evaluated for regulation under the ordinance. Mr. Warren stated realtor signs would be covered by the ordinance and regulation would depend on the material used for the sign. Mr. Warren stated "for sale" signs may be classified as portable signs in certain instances.

Mr. Warren stated scrolling signs would be considered violations in the new ordinance and noted they are violations in the current ordinance. Mr. Warren stated political signs would be considered temporary signs and could be put up for 90 days before elections.

Commissioner Collins suggested the Planning Commission delay action in order to further review the draft ordinance. Commissioner Garner stated she would support a delay. Chairperson Moore stated the Planning Commission could use the Town Council public hearing on August 8, 2017 to gain additional input from citizens. Chairperson Moore stated the Planning Commission has attended Town Council public hearings in the past but have avoided Town Council discussions in order not to be swayed by Council opinion.

Vice-Chairperson Sowers asked staff to provide the Planning Commission with a map of the property surrounding the bridge and the proposed future use of the area.

Commissioner Knies suggested temporary signage could be shortened to 60 days. Mr. Warren stated all temporary signs would be considered in conformance once the draft ordinance is adopted. Mr. Warren stated violators will be given time to come into compliance via staff violation procedures.

Discussion for a proposed sign ordinance amending Chapter 42 – Zoning of the Town Code for the purpose of regulating the time, place, and manner of displaying signs in the Town of Christiansburg – (continued).

Commissioner Kries asked whether the nonconforming sign language suggested by Lamar met the content neutral requirements set forth by *Reid v. Town of Gilbert*. Mr. Dicks stated the proposed language came from the state highway code and noted *Reid v. Town of Gilbert* is generally considered not applicable to outdoor advertising signs.

Vice-Chairperson Sowers stated the Development Subcommittee was not content with the current language proposed by Lamar and believed it should be a decision made by the entire Planning Commission.

Commissioner Curtis asked if raising the signs would create a distraction for drivers. Commissioner Garner requested a photo simulation of the proposed height change. Mr. Dicks stated Lamar would provide a mock-up drawing.

Commissioner Curtis stated he was comfortable with the language but unsure if the signs should be raised. Commissioner Garner stated she desired additional parameters and questioned how the Planning Director would be able to determine whether or not to issue a building permit.

Chairperson Moore suggested striking the last sentence of the section to eliminate discretion in instances of public bridges obstructing the view of signage.

Chairperson Moore suggested adding the word “public” to “bridge structure” and further specifying the language regarding the height the signs would be raised.

Mr. Dicks stated if the bridge was designed for vehicles and not pedestrians, VDOT code would apply and would allow the signs to be raised. Mr. Dicks stated if a sound wall was put in place the signs would be allowed to be raised above the sound wall. Mr. Dicks stated Virginia statute allows for signage to be raised or lowered in these instances in order to retain original visibility.

Commissioner Collins suggested a work session to further discuss the draft ordinance. The Planning Commission agreed to a work session starting at 6:00 PM on August 14, 2017. Mr. Warren stated the Planning Commission would be provided with any requested material relating to the draft ordinance prior to the work session.

Commissioner Collins made a motion to table the discussion of the draft ordinance until the work session and discussion on August 14, 2017. Commissioner Garner seconded the motion, which passed 8-0.

Other business.

Mr. Warren stated he would collect more information regarding freedom of speech and the rights of property owners to place certain signs on private property.

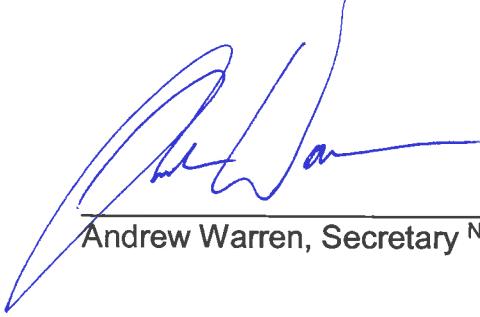
Mr. Warren announced a public hearing would be held on August 14, 2017 for the rezoning request of the Falling Branch property. Mr. Warren stated the acreage was lessened and adjoining property owners would be notified of the hearing. Mr. Warren stated the applicant preferred action be taken at the same meeting, if desired by the Planning Commission.

Mr. Warren stated there was no limitation on how the property could be developed in terms of parcel size. Mr. Warren stated the proposed development included an extension of Parkway Drive, S.E. and noted the applicant will provide a revised layout for the public hearing.

Chairperson Moore questioned whether the Town was aware of how much industrial property was unused or undeveloped. Mr. Warren stated staff would prepare information on the Christiansburg Industrial Park and the Falling Branch Corporate Park.

There being no more business, Chairperson Moore adjourned the meeting at 8:20 p.m.


Craig Moore, Chairperson


Andrew Warren, Secretary Non-Voting