Christiansburg Planning Commission
Minutes of June 27, 2011

Present: M. H. Dorsett, AICP
Craig Moore, Chairperson
Jennifer D. Sowers
Jim Vanhoozier
Randy S. Wingfield, Secretary Non-Voting

Absent: Barry Akers
Mark M. Caldwell, III
Ann H. Carter
Kevin D. Conner, Vice-Chairperson
Joe Powers

Staff/Visitors: Kali Casper, staff
Thom Rutledge, Cambria Crossing, L.L.C.
Carol Lindstrom

Chairperson Moore called the meeting to order at 7:01 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia to discuss the following items:

Public Comment.

Chairperson Moore opened the floor for public comment. No public comments were given.

Approval of meetings minutes for June 13, 2011.

Chairperson Moore noted that Planning Commission does not have a quorum. Chairperson Moore advised that Planning Commission will change agenda order and skip to agenda item number 5 to see if any other member show up for the other discussions.

Consideration of amendment of Chapter 30 "Zoning" of the Christiansburg Town Code in regards to regulations for urban agriculture in Residential Districts.

Chairperson Moore introduced the discussion noting that Planning Commission was given both a draft ordinance and a draft zoning permit. Councilman Vanhoozier stated that he grew up with chickens in a rural area and that he is opposed to an ordinance allowing chickens in residential areas. Councilman Vanhoozier noted that he has listened to the argument on both sides but believes that people who want chickens have likely not had prior contact with chickens. Commissioner Dorsett inquired as to Councilman Vanhoozier's specific objection to chickens. Councilman Vanhoozier mentioned noise in general and from chickens being disturbed by other animals and that he has particular problem with the possibility of other animals getting into the chickens and the attraction of predator animals. Commissioner Dorsett noted the presence of strays in Town. Councilman Vanhoozier noted that other areas have considered these ordinances and believes that some places, possibly Atlanta, may have passed it, but noted the differences in lot sizes within other jurisdictions.

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Consideration of amendment of Chapter 30 "Zoning" of the Christiansburg Town Code in regards to regulations for urban agriculture in Residential Districts. – (continued)

Ms. Lindstrom pointed out that a noise ordinance has recently been passed and that it applies to barking dogs. Ms. Lindstrom suggested that this new environment (with approval of chickens) may cause an increase in barking dogs and complaints. Ms. Lindstrom suggested allowing a reasonable time to adjust and train animals. Commissioner Dorsett noted the section on bees in the draft ordinance and as someone who is allergic to bees, stated some people may not like to have bees next door. Commissioner Dorsett stated that she does not have a problem with pygmy goats and potbellied pigs, but believes those are more like pets than agriculture. Commissioner Dorsett stated that individuals who want to farm should live in the county. Commissioner Dorsett cited water runoff as a concern in addition to noise and attraction of wild animals which may attack household pets. Mr. Wingfield noted that the Town has been allowing the keeping of three bee stands in residential areas within Town limits. Mr. Wingfield suggested that Planning Commission may want to consider changing the setbacks for beekeeping and noted that from investigating received complaints, some chickens are well-maintained and some are not.

Commissioner Dorsett noted that the Town has some large lots where it may be appropriate but that chickens should be prohibited on small lots such as Lester Street and Park Street. Commissioner Sowers noted that the setback regulation from adjoining buildings is intended to address this concern. Mr. Wingfield stated that some other localities have larger lot size requirements but many of the Town lots would be ruled out by a larger lot size requirement. Ms. Lindstrom asked whether districts other than residential districts would allow this use under this ordinance. Chairperson Moore indicated that all districts except Industrial Districts would allow these uses. Commissioner Dorsett indicated she believed the ordinance should be only for Residential Districts. Chairperson Moore stated that the Planning Commission could decide which districts allow urban agriculture. Commissioner Dorsett indicated that she would like to see a minimum lot size of one-half acre. Mr. Wingfield noted that according to a drawing by Commissioner Powers from the development committee meeting, Mr. Breinich's lot would easily allow for chickens under the current draft, but that he does not have a half acre lot.

Commissioner Dorsett suggested a minimum lot size with possibility for a variance through the Board of Zoning Appeals. Mr. Wingfield suggested exceptions through the Planning Commission since a variance requires a public hearing. Chairperson Moore noted the high cost of a variance through the Board of Zoning Appeals. Commissioner Dorsett suggested sending requests for variation in the minimum lot size to the Board of Zoning Appeals because the public hearing process for the BZA is shorter than for the Planning Commission. Chairperson Moore asked about the average workload for the Board of Zoning Appeals. Mr. Wingfield indicated that the Board of Zoning Appeals handles anywhere from 1 or 2 to 9 or 10 hearings each year.

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Chairperson Moore inquired about the possibility of restructuring the variance application. Commissioner Dorsett suggested that special cases could be taken through a variance process/appeal process. Mr. Wingfield stated that the Planning Commission could set criteria based on lot size with administrative approval for large lot sizes and then go through a hearing with either the Board of Zoning Appeals or Planning Commission for smaller lot sizes. Chairperson Moore asked Commissioner Dorsett for thoughts on the suggestion. Commissioner Dorsett still suggested turning over the special cases to the Board of Zoning Appeals. Commissioner Sowers noted that there may not be many requests for chickens.

Chairperson Moore indicated that this will eventually be put to vote. Councilman Vanhoozier noted that he is still against chickens and that it seems that some edits should be made. Commissioner Dorsett would like to remove the R-3 Multi-Family Residential District from the draft ordinance. Commissioner Sowers mentioned that single-family and duplexes are allowed in and near the Multi-Family Residential District. Chairperson Moore suggested using lot size rather than district. Mr. Wingfield noted that the Town has a variety of types of housing in the multi-family residential districts. Ms. Lindstrom noted that she would not want businesses in Town to have chickens on the premises.

Councilman Vanhoozier noted that this ordinance is meant to protect neighbors. Commissioner Dorsett asked about how many areas in Town are Mixed Use Districts. Mr. Wingfield stated the Cambria Crossing area and a portion of the Kensington development are the only existing Mixed Use Districts. Commissioner Sowers stated that new developments may be mixed use in the future. Mr. Wingfield indicated that the Mixed Use Districts are fairly recent additions to the Town Zoning Ordinance being developed as a result of the Comprehensive Plan process and adopted in 2004. Commissioner Dorsett suggested that most homeowners' associations will likely exclude chickens. Commissioner Sowers indicated that this may change with the times. Councilman Vanhoozier noted that covenants are often ignored. Commissioner Sowers noted that if the association is not active, restrictions are completely ignored. Mr. Wingfield mentioned that some covenants and deed restrictions have sunset clauses. Chairperson Moore indicated his appreciation of the work put into this draft ordinance and suggested using the Planning Commission for exceptions until or unless it gets to be overwhelming. Commissioner Dorsett responded indicating her preference for using the Board of Zoning Appeals because Planning Commission is an advisory board that must go through Town Council and this slows the process. Chairperson Moore asked Mr. Wingfield about the advisory board issue. Mr. Wingfield suggested asking Town Attorney Jim Guynn about whether the Planning Commission could handle these exceptions.

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Consideration of amendment of Chapter 30 "Zoning" of the Christiansburg Town Code in regards to regulations for urban agriculture in Residential Districts. – (continued)

Ms. Lindstrom mentioned schools and churches and noted that the Planning Commission should try to minimize impact on children in terms of health and safety perhaps by a perimeter. Commissioner Dorsett mentioned the possibility that urban agriculture may predate new schools and thus be grandfathered. Chairperson Moore mentioned fencing and other ways to consider safety and limit liability. Ms. Lindstrom mentioned kids shooting pneumatic guns and how completely controlling safety is impossible. Chairperson Moore indicated that the ordinance should minimize the impacts of these safety issues. Chairperson Moore noted his appreciation of the work of the Development Subcommittee on this ordinance and indicated that Planning Commission will not take action tonight but changes can be made and the ordinance will be put on the next meeting's agenda. Councilman Vanhoozier noted the importance of getting absentee opinions on this matter.

Approval of meetings minutes for June 13, 2011.

Chairperson Moore indicated that Planning Commission still does not have a quorum and will not consider the minutes.

A Conditional Use Permit amendment request by Cambria Crossing, L.L.C. for property on the eastern side of Phoenix Boulevard (tax parcels 465 - ((38)) - 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46) for a planned housing development in the MU-1 Mixed Used: Residential – Limited Business District. The public hearing is set for July 5, 2011.

Chairperson Moore introduced the discussion. Commissioner Dorsett noted the use of shotgun style houses. Mr. Rutledge noted the success of this style in other communities. Mr. Rutledge is project manager of Cambria Crossing, L.L.C. and was originally granted a Conditional Use Permit for this project in 2005. Mr. Rutledge stated that the single-family homes and some of the townhomes in Phase I are complete and Phase II is underway, but only one house is built. Mr. Rutledge added that all lots adjoining Henley Drive have the same lot size, setback, and other requirements as those on Henley Drive. Mr. Rutledge stated that the development continues with R-2 use bordering the R-1 use and R-3 use bordering R-2 use, furthest from existing houses on Henley Drive. Mr. Rutledge added that within the tough housing market, the townhouse market is flooded. Mr. Rutledge indicated that Cambria Crossing, L.L.C. is requesting to amend the original Conditional Use Permit from townhouse lots to single-family lots. Mr. Rutledge indicated that the townhouses range from 1300-2900 square feet and that the shotgun style allows for a different option which includes a more private home. Mr. Rutledge indicated that Cambria Crossing, L.L.C. is requesting keeping the same setbacks as the existing single-family approval and that garages will be in the rear on an alley.

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Commissioner Dorsett inquired if front porches will be built to create a neighborhood feel. Mr. Rutledge stated that there is discussion about doing some front porches. Mr. Rutledge indicated that architecturally, they are considering similarities to the presented pictures with colors and textures. Mr. Rutledge stated that the amendment request is for decreasing minimum lot size and street frontage. Mr. Rutledge added that Cambria Crossing L.L.C. believes they can be very successful with this and that it has never been done before in Town. Commissioner Dorsett indicated she preferred this plan to townhouses. Mr. Rutledge stated that he spoke with Fire Chief/Fire Marshall Hanks, and Mr. Hanks would obviously prefer houses in the middle of large lots but has no preference between townhomes and these smaller lot sizes with single-family homes.

Commissioner Sowers asked about where children would play. Mr. Rutledge noted that the development has a large amount of open space. Mr. Rutledge indicated that the homeowners' association maintains everything in Phase I. Mr. Rutledge stated that the development includes a good mix of people including young professionals, families, and retirees. Commissioner Sowers noted her concern with lack of open space immediately adjacent to housing units. Mr. Rutledge indicated that there are sidewalks and multiple areas of open space within the development.

Mr. Wingfield asked if the development will still meet the requirements for greenspace. Mr. Rutledge asked about the details of the requirements. Mr. Wingfield read the condition which stated that "Single Family Lots shall have a minimum of 30% greenspace. Two-Family Lots shall have a minimum of 20% greenspace. Townhouse Lots shall have a minimum of 10% greenspace. All lots shall have a minimum of 20% greenspace in the front yard. Greenspace is defined as any grassed areas or landscaped areas. Townhouse Lots shall have a minimum of 20% greenspace in the rear yard." Commissioner Sowers left at 7:44 p.m.

Mr. Rutledge stated he would look at the details of the greenspace requirements before amending the Conditional Use Permit. Commissioner Dorsett asked about space for a small central park. Mr. Rutledge indicated that Cambria Crossing cannot proffer one but indicated that the developers have considered it. Mr. Rutledge passed out a rendering, which he stated is not a proffer but a general idea of setbacks and landscaping for the request. Mr. Rutledge indicated that there are five units in the rendering and that townhouses generally range from 24-27 feet in width. Mr. Rutledge indicated that the request is for 30 feet of street frontage. Commissioner Dorsett noted the difference between townhouses and single-family houses in terms of natural light. Mr. Rutledge noted the windows in the drawing. Mr. Rutledge stated that there are eight townhomes on the right as you turn in, but the developers have left three vacant lots adjoining the built townhouses so that like may be bordered by like uses.

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Commissioner Dorsett inquired as to designer of the rendering and Mr. Rutledge indicated that Mike Neeble did the rendering. Commissioner Dorsett requested a rendering that ages the neighborhood approximately 20 or 30 years. Mr. Rutledge noted that the developer pays close attention to details of landscaping and other factors that change with age. Commissioner Dorsett stated that sometimes neighborhoods look great in the beginning but can change. Commissioner Vanhoozier stated that this was a land use decision and not architectural review. Mr. Wingfield noted the required percentages for greenspace and Mr. Rutledge stated he would like to confirm that these original conditions can still be met. Commissioner Dorsett inquired about the Connector Route that runs through the Mayflower building and behind the subdivision. Mr. Rutledge noted that it was shown on the original subdivision plat. Mr. Rutledge inquired about the Huckleberry Trail coming through this area. Mr. Wingfield stated that there are multiple options for locating the trail and that the Connector Route itself could be used as it will have sidewalks and bike lanes. Mr. Rutledge inquired about crossing the railroad tracks and Mr. Wingfield stated that there are a few suitable locations over the Norfolk-Southern rail line and that the farthest east that has been considered for the trail is the Moose Lodge property. Mr. Rutledge indicated that the developer previously worked with VDOT and the Town to relocate the Connector Route so as not to create two neighborhoods from Cambria Crossing. Mr. Rutledge indicated that the Roudabush Drive cul-de-sac could be the future intersection with the Connector Route. Mr. Rutledge stated that the original Conditional Use Permit process was long and well thought out.

Review of the Capital Improvements Plan for the Fiscal Year 2011-2012.

Chairperson Moore introduced the discussion. Chairperson Moore indicated that Planning Commission is not required to take action. Mr. Wingfield noted that Planning Commission is not required to review the Capital Improvements Plan unless specifically directed by Town Council and stated that Town Council has already approved this plan. Mr. Wingfield stated that staff would still desire the concurrence of the Planning Commission. Commissioner Moore indicated that Planning Commission will wait for quorum for this item.

Commissioner Dorsett asked about the definition of capital projects. Mr. Wingfield stated that the Town has no official definition. Mr. Wingfield indicated that it would likely include large cash outlays, large equipment purchases, and large utility projects. Commissioner Dorsett indicated that she does not consider exercise bikes a capital project. Mr. Wingfield stated that he might not include exercise bikes either but that Departments were asked for large expenditures. Commissioner Dorsett inquired as to the difference between a Capital Improvements Plan and a Capital Improvements Program. Mr. Wingfield stated that he was not sure that there is a difference.

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Review of the Capital Improvements Plan for the Fiscal Year 2011-2012. – (continued)

Commissioner Dorsett stated that the County used a Program and it required § 15.2-2232 reviews. Chairperson Moore indicated that Planning Commission will wait for quorum and that the Planning Commission may wish to make recommendations for next year. Mr. Wingfield noted that Director of Parks and Recreation Art Price likely included exercise bikes because of the $5,000 cost.

Commissioner Dorsett inquired if the Commission can look at other localities and how they handle this. Councilman Vanhoozier indicated that Parks and Recreation and Aquatic Departments historically include everything except personnel. Mr. Wingfield noted that Interim Town Manager Barry Helms sent e-mail to department heads concerning this Plan asking for projects and expenditures. Ms. Lindstrom stated that she once asked former Town Manager Lance Terpenny for documents related to the Capital Improvements Program and she was advised that the documents did not exist because it was a Capital Improvements Plan. Ms. Lindstrom stated that she looked at state code and it does not differentiate between Program and Plan. Commissioner Dorsett inquired about a water line replacement on Depot Street. Mr. Wingfield stated that the cost of a water and sewer project may determine if it is included in the Capital Improvements Plan. Chairperson Moore requested that this item be placed on the agenda for the next Planning Commission meeting.

Other Business.

Chairperson Moore asked about the date for the next Planning Commission meeting. Mr. Wingfield indicated that there is a joint public hearing on July 5th and the next regular meeting will be on July 11th. Chairperson Moore inquired about the necessity of an earlier meeting and Mr. Wingfield mentioned the agenda items. Chairperson Moore indicated that an earlier meeting is not necessary. Chairperson Moore indicated that urban agriculture should be placed on the next agenda. Mr. Wingfield stated that he will take the urban agriculture ordinance back to the Development Committee prior to the next meeting. Commissioner Dorsett indicated that the next Comprehensive Plan committee meeting will be held on Tuesday, July 12th.

There being no more business Chairperson Moore adjourned the meeting at 8:05 p.m.

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Craig Moore, Chairperson Randy S. Wingfield, Secretary Non-Voting

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