Christiansburg Planning Commission
Minutes of July 11, 2011

Present: Barry Akers
Mark M. Caldwell, III
M. H. Dorsett, AICP
Joe Powers
Jennifer D. Sowers
Randy S. Wingfield, Secretary Non-Voting

Absent: Ann H. Carter
Kevin D. Conner, Vice-Chairperson
Craig Moore, Chairperson
Jim Vanhoozier

Staff/Visitors: Nichole Hair, staff
Kali Casper, staff
Thom Rutledge, Cambria Crossing, LLC
Carroll B. and Barbara T. Harvey, 30 Phoenix Boulevard
Anthony Petrillo, 25 Welch Circle
Dennis Mirabella, 15 Welch Circle
Mr. and Mrs. Lance Franklin, 45 Welch Circle
Carol Lindstrom

Chairperson Moore and Vice-Chairperson Conner were both absent, however a quorum of the Planning Commission was present. Commissioner Dorsett made a motion to recommend Commissioner Powers as the acting Chairperson. Commissioner Akers seconded the motion which passed 4-0 with Commission Powers abstaining.

Commissioner Powers called the meeting to order at 7:02 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia to discuss the following items:

Public Comment.

Commissioner Powers opened the floor for public comment. Ms. Lindstrom indicated as of July 1st the ordinance for bb gun use in Virginia has come into effect and Christiansburg has not addressed the guidelines of bb gun use in the Town. Ms. Lindstrom made a recommendation the Planning Commission draft an ordinance or approach Town Council to draft an ordinance. Commissioner Powers stated the development committee has discussed this issue and he would like Mr. Wingfield to address the topic. Mr. Wingfield indicated a draft ordinance is being developed to allow individual use of pneumatic guns on private property but that a commercial use such as firing range or paintball course would require a Conditional Use Permit in B-2 Central Business and B-3 General Business as an amusement center. Mr. Wingfield indicated the ordinance would fall under miscellaneous offenses and will be taken to the Town Council unless the Town Council defers it to the Planning Commission.

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Public Comment – (continued).

Mr. Harvey of 30 Phoenix Boulevard in Cambria Crossing addressed the Planning Commission. Mr. Harvey stated the proposed change would end up hurting the existing property owners. Mr. Harvey indicated the current property owners bought into what was represented as an upscale development. Mr. Harvey stated there will be single-family dwellings on townhouse sized lots and this will reduce the size of the houses. Mr. Harvey indicated the new homes would be done with vinyl siding. Mr. Harvey indicated the property owners bought into an upscale development and they are now being told the houses will be smaller and they will be vinyl. Mr. Harvey stated the current property owners will have lost considerable amount of value. Mr. Harvey encouraged the Planning Commission to not allow the request to go forward without requiring brick homes.

Mr. Anthony Petrillo of 25 Welch Circle addressed the Planning Commission. Mr. Petrillo stated the homeowners buy into a neighborhood for the value and aesthetic value of the neighborhood. Mr. Petrillo stated the developer should stick with what was originally proposed. Commissioner Caldwell inquired if there is a Homeowners Association and covenants in place for Cambria Crossing. Mr. Petrillo explained that the homeowners do not own enough shares since there are so many vacant lots and the developer holds the most shares. Mr. Petrillo indicated the covenants have been changed.

Mr. Harvey stated an affordable housing alternative is a downscale housing. Mr. Petrillo stated that the covenants are listed on the Cambria Crossing website. Commissioner Powers informed the residents the Town does not regulate covenants. Commissioner Powers added the change to the CUP will not affect the private covenants. Mr. Harvey stated the property owners are suggesting the CUP change not be allowed unless the homes are required to be brick. Mr. Petrillo indicated this request was skirted by the property owners and they were not brought into the decision making process. Mrs. Harvey added she felt owners have no way of protecting themselves.

Mr. Dennis Mirabella of 15 Welch Circle addressed the Planning Commission. Mr. Mirabella stated the request was not presented to the owners when they purchased the property and they would like to see the development continue as it was presented in the original request.

Mrs. Harvey stated affordable means downscale of housing. Mr. Petrillo stated the townhomes are selling. Mr. Petrillo added it is good for the Town to keep the upscale townhomes that are selling at a higher price to keep the increased tax rate.

Mr. Lance Franklin of 45 Welch Circle addressed the Planning Commission. Mr. Franklin indicated he supports the views of his neighbors. Mr. Franklin stated some of the townhomes have sold and do not understand why there is a need for a change. Mr. Franklin expressed concern that the letters were sent in July when people are on vacation.

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Public Comment – (continued).

Commissioner Dorsett inquired since the request is for a CUP amendment, additional conditions can be placed and Mr. Wingfield indicated that is correct. Commissioner Powers stated the Planning Commission can address that when we get to the agenda item.

Ms. Lindstrom indicated she would like to provide clarification the public hearing has occurred and the Planning Commission will make a recommendation to the Town Council. Ms. Lindstrom stated these residents can address their Town Council members directly.

Mrs. Franklin stated she did not get the mail in adequate time to respond since the meeting was held on July 5, 2011. Commissioner Powers stated there are regulations set forth to address advertising and notifications for public hearings in the Virginia State Code. Mr. Franklin inquired if the request and meeting could have waited. Commissioner Powers stated the applicant submits the application and then the meeting is set by the Town Council. Mr. Harvey asked if the developer requested the July 5th meeting. Commissioner Powers stated the applicant submits the application and the Town sets the meeting date for the public hearing. Mr. Wingfield stated the application was received June 7th. Commissioner Caldwell inquired when letters went out. Mr. Wingfield stated the notifications must go out 5 days before the hearing date and they were mailed June 21st.

Approval of meetings minutes for June 13, 2011 and June 27, 2011.

Commissioner Powers introduced the discussion.

Commissioner Dorsett made a motion to approve the minutes for June 13, 2011 meeting. Commissioner Sowers seconded the motion which passed 5-0.

Commissioner Dorsett made a motion to table the approval of the June 27, 2011 meeting minutes until the next meeting. Commissioner Caldwell seconded the motion which passed 5-0.

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.

Commissioner Powers introduced the discussion. Mr. Rutledge addressed the Planning Commission. Mr. Rutledge indicated these units are in no way proposed to jeopardize the value of the development. Mr. Rutledge indicated the developer has 120 lots remaining to be developed and this type of housing is seen all over the United States. Mr. Rutledge indicated he submitted the application and then the application goes through the Town's time line.

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Mr. Rutledge indicated the units proposed will have vinyl siding and the Town does not have an architectural review board to limit what types of products are used. Mr. Rutledge added the covenants indicate brick is to be used to grade. Mr. Rutledge wanted to clarify that these types of homes can be developed by right in a different location including Providence Boulevard. Mr. Rutledge indicated the proposed location is to provide a buffer from the future connector route and the proposed Huckleberry Trail. Mr. Rutledge wished to clarify that affordable is not a bad term. Mr. Rutledge indicated these units are going to be sold between $200,000-$225,000.

Commissioner Powers inquired about the square footage of the houses. Mr. Rutledge indicated the size is comparable with the townhomes on that side of the street. Commissioner Caldwell inquired if there are townhomes currently built. Mr. Rutledge indicated there are townhomes there now. Commissioner Caldwell indicated the proposal is to make 14 townhome lots into 11 single-family home lots. Mr. Rutledge confirmed this. Commissioner Dorsett stated the proposed homes are shotgun houses that are found in upscale neighborhoods of cities like Chicago and Seattle and they are very popular. Commissioner Dorsett stated the Town of Christiansburg is overbuilt with townhomes. Commissioner Dorsett indicated the issue is affordability. The Town of Christiansburg housing market is below $250, 000 and it is skewed low. Commissioner Dorsett inquired if there are there conditions or things the Planning Commission can do to guarantee that the houses stay in line with the development.

Commissioner Sowers inquired about the quality of the finished product. Mr. Rutledge stated he cannot limit the style at this point and take away the flexibility of the product for the buyers. Commissioner Dorsett indicated there is an architectural review board for the development but that no homeowners serve on that board. Commissioner Dorsett inquired if the developer would be willing to allow some homeowners to serve on that board and Mr. Rutledge indicated that the developer would desire this. Commissioner Dorsett inquired if the Planning Commission can condition that the development is substantially compatible with the existing neighborhood. Mr. Rutledge inquired as to who would determine if that condition is being met.

Commissioner Caldwell requested Mr. Wingfield to provide other developments that utilized this size of lots in Town and Mr. Wingfield stated none for single-family. Commissioner Powers indicated he believes the Planning Commission has up to 30 days to make a recommendation to the Town Council and Mr. Wingfield stated he believes it is longer. Commissioner Powers inquired if it is possible to table until further thought and discussion. Commissioner Powers inquired if the developer could meet with the current residents of the development. Mr. Rutledge stated that would be possible. Mr. Rutledge added he believed that any discussion would have been done during the public hearing. Commissioner Powers stated the next Planning Commission meeting will be held July 25, 2011.

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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 - (continued).

Commissioner Powers requested the developer meet with the residents before the next Planning Commission meeting. Mr. Rutledge stated these homes can be built by right in a different location closer to the residents here tonight. Mr. Rutledge detailed the location of various housing types within the development from the original CUP process. Commissioner Powers clarified what is being requested is to vary only the minimum lot size, lot width, and the open space in the front yard. Mr. Rutledge stated the request is for only one area and not the entire development.

Mr. Franklin stated the picture he saw has the garage at the front. Mr. Rutledge indicated every one along the alley will access from the alley. Commissioner Powers indicated there will be more greenspace in the rear of the lot. Mr. Rutledge stated there will more of a backyard with a single car garage. Mr. Franklin stated he has seen this style of homes in Chicago and they do sell for a fair amount of money, he is just unsure if this is a good fit. Commissioner Powers indicated there are different people here tonight that were not here for the public hearing. Commissioner Powers requested the developer meet with the current residents since there are only about 18 households. Commissioner Dorsett requested the developer's artist provide a drawing that is more similar to what is actually proposed. Mr. Rutledge stated this is not an architectural review board. Commissioner Dorsett agreed with Mr. Rutledge but she feels it will be a little easier to explain with a new drawing. Mr. Rutledge stated he just wants to offer a different house type in the best planned housing development in Town. Commissioner Dorsett agreed the proposal does offer another housing type.

Mr. Petrillo stated the word flexibility and the type of house is a concern. Mr. Petrillo added if this housing type does not sell, the current residents will suffer. Mr. Petrillo would like transparency from the developer so the residents are aware. Mr. Harvey inquired why there is not an architecture rendering so the residents know what is being talked about. Commissioner Powers stated renderings are not required. Commissioner Powers added the Town's Zoning Ordinance encourages creativity in planned housing developments.

Commissioner Powers indicated he is of the opinion to table until the next meeting.

Commissioner Dorsett agrees with the row house concept and feels it does add variety to the housing market.

Commissioner Dorsett made a motion to table the request. Commissioner Akers seconded the motion which passed 5-0.

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

Commissioner Powers introduced the discussion.

Commissioner Dorsett made a motion to table the discussion until the remaining members are in attendance. Commissioner Caldwell seconded the motion which passed 5-0.

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

Commissioner Powers introduced the discussion. Mr. Wingfield detailed the changes to the draft ordinance for urban agriculture including removing the Residential Manufactured Home Subdivision District and the Business and Mixed Use Districts. Mr. Wingfield indicated the allowance of 3 beehive stands has been changed to 2 beehive stands. Mr. Wingfield stated the Town Attorney, Jim Guynn, recommended some changes and those are presented here. The first change is removing slaughterhouses and abattoirs from the draft as they are not currently allowed and Mr. Guynn did not want to provide an impression that they are.

The second recommendation from Mr. Guynn is in regards to what the Board of Zoning Appeals can allow with a variance. Mr. Guynn has indicated the Board of Zoning Appeals can only grant variances for items such the size of lots or setbacks, but not development standards like the number of chickens. Mr. Wingfield indicated Mr. Guynn stated that the Planning Commission could not grant waivers of provisions, but has suggested the Town Manager or Zoning Administrator can seek an advisory opinion or recommendation from the Planning Commission. Mr. Wingfield requested direction from the Planning Commission as to this change. Commissioner Sowers indicated she had no preference. Commissioner Caldwell agreed since the ordinance basically states the Town Manager or Zoning Administrator can come to the Planning Commission for clarification. Mr. Wingfield felt this provision would be useful when questions regarding bedding or materials come up.

Commissioner Dorsett inquired why just pygmy goats are the only animal listed as allowed with Conditional Use Permit in the definition of "domestic pet". Commissioner Dorsett inquired specifically about potbelly pigs being kept as pets. Mr. Wingfield stated all swine were disallowed per the Animals Ordinance. Mr. Wingfield further explained about 8-10 years ago it was brought to the Town's attention that someone owned a pygmy goat that was a pet for a disabled child. The owner requested the Town Code be amended and Mr. Wingfield recommended they request a CUP to allow Town Council to provide conditions.

Commissioner Powers stated this new draft has limited the use of urban agriculture to specific Zoning Districts and set a limit for 6 chickens and 2 bee hives. Commissioner Powers felt the draft is ready to be sent to Town Council. Mr. Wingfield explained urban agriculture would be allowed in the R-1A, R-1, R-2 and R-3 Zoning Districts. Mr. Wingfield added the development subcommittee of the Planning Commission did not want to set a minimum lot size. Commissioner Dorsett commented a 4,000 square foot enclosure seems small for a horse.

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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 questioned if anyone has looked at data regarding how many bee hives should be allowed per acre to allow the bees to migrate. Mr. Wingfield indicated from personal experience with his grandfather keeping bee hives, the hives were about 3 feet apart on a large farm. Ms. Lindstrom expressed concern over changing the Town Code on the request of a few people without looking at it from the perspective of more people deciding to do it in the future. Commissioner Powers replied the zoning permit provides a mechanism for the Town to be aware if there is a growing use and get ahead of any problems. Ms. Lindstrom inquired if there is a way to limit the number of permits per year like with the gardening water meters. Mr. Wingfield indicated he has only a few chicken requests per year and the bee keeping requests are very less frequent.

Commissioner Caldwell made a motion to send the draft of the urban agriculture ordinance to the Town Council in order for a joint public hearing to be set. Commissioner Dorsett seconded the motion which passed 5-0.

Other Business.

Commissioner Dorsett reminded the Planning Commission the Comprehensive Plan Subcommittee of the Planning Commission would be meeting at 11:00 a.m. tomorrow.

There being no more business Commissioner Powers adjourned the meeting at 8:15 p.m.

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Joe Powers, Acting Chairperson Randy S. Wingfield, Secretary Non-Voting

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