

**Christiansburg Planning Commission
Minutes of September 26, 2011**

Present: Barry Akers
Mark M. Caldwell, III
Ann H. Carter
M. H. Dorsett, AICP
Craig Moore, Chairperson
Joe Powers
Jennifer D. Sowers (arrived at 7:03)
Jim Vanhoozier
Randy S. Wingfield, Secretary ^{Non-Voting}

Absent: Kevin Conner, Vice-Chairperson

Staff/Visitors: Nichole Hair, staff
Kali Casper, staff
Bryan Rice, Montgomery County Planning Commission liaison
Michael Brocher, Lenzkes Clamping Tools, Inc.
Carol Lindstrom
Roger McCauley
Elizabeth McCauley
Sam Bauer

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. Mr. Sam Bauer of 100 Alleghany Street spoke in regards to the idling truck ordinance. Mr. Bauer stated a neighbor feels the right to keep truck tractors on their property. Mr. Bauer stated the real problem is the running of these diesel vehicles for hours at a time. Mr. Bauer indicated he and his wife have had to leave their home when the vehicles are left running due to the fumes. Mr. Bauer stated his neighbor runs the trucks to charge the batteries. Mr. Bauer feels the keeping of these large vehicles like buses, trucks, school buses, in residential areas is not necessary. Mr. Bauer also addressed the need for provisions to handle air pollution in the Town.

Mr. Roger McCauley of Wooden Shoe Court addressed the Planning Commission to indicate the purpose of the meeting is to allow the full commission to review matters when technically the full commission is not present. Mr. McCauley presented concerns about what were to happen if it were 4-4 vote. Chairperson Moore indicated votes that were split have gone to Town Council. Mr. McCauley stated there is not a full commission present. Chairperson Moore stated the intent is for a full commission but only a quorum is required to vote.

Public Comment – (continued)

Mr. Brocher with Lenzkes Clamping Tools addressed the Planning Commission. Mr. Brocher stated a letter has been presented to the Planning Commission and would like to know what the Planning Commission has decided regarding his request at 845 Radford Street. Chairperson Moore indicated that would be discussed later on the agenda.

Approval of meetings minutes for September 26, 2011.

Chairperson Moore introduced the discussion. Commissioner Caldwell made a motion to recommend the September 26, 2011 meeting minutes be approved as presented. Commissioner Dorsett seconded the motion.

Commissioner Carter stated she had a question regarding the vote for the separate public hearing on page 9. Commissioner Carter stated she would like to change the minutes to reflect her vote as an abstention. The meeting minutes were modified to reflect the vote as 7-0-1.

Commissioner Caldwell amended his motion to approve the meeting minutes with the modification. Commissioner Dorsett seconded the motion which passed 8-0.

Commissioner Vanhoozier indicated he questions the idea of reserving Planning Commission meetings for one public hearing a month and a regular meeting a month and added that the Planning Commission could hold public hearings at each regular meeting as needed. Commissioner Vanhoozier stated if the Planning Commission were to hold separate meetings, then a public hearing could be held 8 days before the Town Council public hearing.

A Conditional Use Permit request by Lenzkes Clamping Tools, Inc. for a commercial garage at 845 Radford Street (tax parcels 525 – ((A)) – 41, 42, and 43) in the I-1 Limited Industrial District. The public hearing was held September 6, 2011.

Chairperson Moore introduced the discussion. Chairperson Moore indicated there is some new information being provided. Mr. Brocher explained the map presented shows 20% of the front yard as greenspace and would take up a large portion of the parking. Mr. Brocher explained the businesses located on the property require a considerable amount of parking. Commissioner Dorsett inquired if the greenspace requirement is for 20% of the front or of the whole property. Mr. Wingfield stated the I-1 District requires 20% greenspace for a site plus 20% greenspace in the front yard. Mr. Wingfield added there is currently approximately 10% greenspace on the property and the property grandfathered as it is. Commissioner Vanhoozier indicated the way he reads the Code; it says 20% of the front to be greenspace. Commissioner inquired what is considered the front. Mr. Wingfield stated the front yard area would be area between the projection of the front building façade and the right-of-way.

A Conditional Use Permit request by Lenzkes Clamping Tools, Inc. for a commercial garage at 845 Radford Street (tax parcels 525 – ((A)) – 41, 42, and 43) in the I-1 Limited Industrial District – (continued).

Commissioner Vanhoozier stated this application is for all 3 lots and he would like clarification as to how the requirement for greenspace will be applied. Mr. Wingfield indicated the Planning Commission can word a condition regarding the greenspace however they see fit. Commissioner Vanhoozier clarified the greenspace can be required in the front yard for just 845 Radford Street. Commissioner Dorsett indicated she measured the 20% greenspace and feels there is not a huge amount in front of the property that would be used for greenspace. Commissioner Dorsett indicated during the Comprehensive Plan process, citizens are disappointed with the gateways to the Town. Commissioner Vanhoozier indicated this property is very neat compared to many properties. Commissioner Vanhoozier stated the only one business being affected by the CUP is at 845 Radford Street and 20% could only be in the front of that bay. Commissioner Vanhoozier indicated he understands a change of use is being considered but it is not that much of a change in use. Commissioner Vanhoozier stated he feels the Planning Commission is forcing someone to do something different from other properties. Commissioner Dorsett stated there is a need to upgrade the properties as entrances to the Town. Commissioner Dorsett added the only option the Town has is to use the standard in the Town Code in order to upgrade an existing property during the CUP and rezoning processes. Commissioner Vanhoozier stated this is a very neat property and should be pleasing to anyone coming into town.

Commissioner Caldwell inquired if there is any reason the applicant could not change the request to just the affected parcels. Commissioner Caldwell added if the request only asked for lots 3 and 4 then the greenspace would be on those lots. Chairperson Moore stated that would make the situation worse. Commissioner Caldwell indicated he drove out to the property and noticed there are other properties on Radford Street that meet the greenspace standard. Mr. Brocher indicated a commercial garage had been on the property several years earlier.

Mr. Wingfield indicated he has heard discussion from the Planning Commission including 20% of the total lot being greenspace, 20% greenspace being required in the front yard, requiring a 15 foot parking setback, and meeting stormwater regulations as though the property were being newly developed. Commissioner Powers stated there were some questions about whether those items would apply in this case. Commissioner Powers inquired if all these requirements apply. Mr. Wingfield stated the Planning Commission can apply anything that is reasonable as a condition. Commissioner Powers inquired what would be required with a site plan if the Planning Commission does not condition a greenspace requirement. Mr. Wingfield stated a change in use would require a site plan; however, since this is a CUP request, he would leave it up to the Planning Commission and Town Council as to what required improvements would be required with the site plan. Mr. Wingfield added since it is an existing situation; he would not require the 20% greenspace in the front yard and parking setback with the submittal if not required by Town Council. Mr. Wingfield suggested placing conditions for anything the Planning Commission would want to require.

A Conditional Use Permit request by Lenzkes Clamping Tools, Inc. for a commercial garage at 845 Radford Street (tax parcels 525 – ((A)) – 41, 42, and 43) in the I-1 Limited Industrial District – (continued).

Commissioner Powers inquired if there is enough parking on the property for the existing business, the proposed commercial garage and any future expansion of businesses. Mr. Wingfield indicated the commercial garage requires three parking spaces per bay and one parking space is required per 400 square feet of office space. Mr. Wingfield stated manufacturing requires 1 parking space per 2 employees on maximum working shift plus storage for company vehicles. Commissioner Dorsett indicated if Lenzkes Tools expanded, the commercial garage would potentially be moved out. Commissioner Dorsett added she feels the Planning Commission should be consistent and if it is a change of use, it needs to meet the standards.

Chairperson Moore requested Mr. Wingfield read Section 30-5. Mr. Wingfield read: "Nothing contained in this Chapter shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this chapter; provided, that such construction must commence within 30 days after this chapter becomes effective. If construction is discontinued for a period of six months or more, further construction shall be in conformity with the provisions of this chapter for the district in which the operation is located. The Zoning Administrator is authorized to waive any of the requirements of this Chapter in the event of an emergency or natural disaster."

Chairperson Moore stated he feels parking lots to be a structure. Commissioner Dorsett requested Mr. Wingfield read the definition of a building and Mr. Wingfield read: "Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels." Chairperson Moore read the definition of structure: "That which is built or constructed." Chairperson Moore stated the Conditional Use Permit is giving the Planning Commission the right to require greenspace and a parking setback, but questions if it should be required. Commissioner Carter stated she interprets the Code the same way as Chairperson Moore. Chairperson Moore stated the Planning Commission can require up to 20% greenspace in the front yard and inquired what the Planning Commission wishes to do. Commissioner Powers suggested coming up with a specific square foot if utilizing just the area in front of the commercial garage bays. Commissioner Powers indicated the area is approximately 100 by 100 which equals 10,000 square feet and 2,000 square feet would be 20%. Commissioner Dorsett inquired about the current depth of the greenspace in the front yard and Mr. Wingfield indicated he believed what is existing is in the right-of-way. Commissioner Vanhoozier inquired about the greenspace at the restaurant and storage bays. Mr. Wingfield stated those were new construction that required greenspace during the site plan process.

A Conditional Use Permit request by Lenzkes Clamping Tools, Inc. for a commercial garage at 845 Radford Street (tax parcels 525 – ((A)) – 41, 42, and 43) in the I-1 Limited Industrial District – (continued).

Chairperson Moore suggested looking at square footage for the greenspace to aid in stormwater retention and aesthetics. Mr. Brocher stated he has to let go of one employee due to lack of sales and wonders how to justify to employees the expense of landscaping while laying off employees. Mr. Wingfield stated Mr. Brocher would lose approximately 12 1/2 parking spaces if 2,000 square feet of greenspace is required. Commissioner Dorsett inquired if there is any existing greenspace in front and Mr. Wingfield stated it is right of way with the exception of the grass strip on the left. Commissioner Dorsett inquired where the fifteen foot parking setback would begin. Mr. Wingfield stated the parking setback would be from the right-of-way. Commissioner Dorsett inquired to the width of right-of-way. Mr. Wingfield stated it is more than 50 feet and Commission Caldwell pointed out the survey indicates 60 feet and variable.

Commissioner Caldwell inquired about a towing service and the limitation of that in condition #2 and Mr. Brocher stated the Blackburn's will not be a towing service.

Chairperson Moore read Section 30-8 of the Town Code in regards to Conditional Use Permits. Commissioner Carter indicated the Planning Commission does not have to require improvements such as greenspace with a Conditional Use Permit. Commissioner Dorsett stated the Comprehensive Plan has had a whole section on upgrading the gateways of the Town.

Chairperson Moore indicated the Planning Commission has some leeway with the greenspace. Commissioner Vanhoozier indicated there are two separate issues in condition #13: The site shall contain a minimum of twenty (20) percent greenspace with the front yard containing a minimum of twenty (20) percent greenspace or landscaped area. Chairperson Moore suggested strike the total 20% greenspace and keep 20% of the front yard as greenspace. Commissioner Sowers inquired if the greenspace requirement would be for all the lots or just in front of the garage. Commissioner Caldwell inquired about utilizing 2,000 square feet as the amount of greenspace to require instead of the 20% requirement. Chairperson Moore stated the condition can be reworded so that the front yard shall contain a minimum of 2,000 square feet.

Commissioner Dorsett inquired about the total number of parking spaces on the site. Commissioner Dorsett added if the site requires a certain number of parking spaces, then the condition could provide for some type of variation so parking spaces are not lost. Commissioner Powers stated the condition can give flexibility of placing the 2,000 square feet of greenspace on the front of the site however they can. Commissioner Dorsett inquired if the applicant can utilize planting strips. Commissioner Powers agree this could be a viable option instead of removing pavement for greenspace with the requirement of the planting strips being in front of the building.

A Conditional Use Permit request by Lenzkes Clamping Tools, Inc. for a commercial garage at 845 Radford Street (tax parcels 525 – ((A)) – 41, 42, and 43) in the I-1 Limited Industrial District – (continued).

Commissioner Dorsett inquired about a condition regarding stormwater. Mr. Wingfield stated he has spoken with engineering staff and if that was required with the existing site, the project would not go forward. Commissioner Powers added he would like to clarify the greenspace will be new greenspace. Mr. Wingfield stated the condition will be worded to include 2,000 square feet of new greenspace or landscaping.

Chairperson Moore indicated the Conditional Use Permit contains 14 conditions with item 13 being changed from the previous version.

Commissioner Dorsett made a motion to recommend approval to Town Council with the 14 drafted conditions including the mentioned amendment. Commissioner Caldwell seconded the motion.

Commissioner Vanhoozier stated he would not be supporting the motion because he thinks the existing site looks very good compared to many in the area. Commissioner Vanhoozier added he is looking at the fact of potentially affecting the employment of the businesses. Commissioner Carter stated she agrees with Commissioner Vanhoozier but as a Planning Commission member she sees the need to be consistent. Commissioner Dorsett stated if the Town has a Comprehensive Plan and ordinances, they should be used.

The motion passed 7-1, with Commissioner Vanhoozier voting against.

Discussion of Consolidated Annual Performance Evaluation Report (CAPER).

Chairperson Moore introduced the discussion. Commissioner Powers requested the topic be put on the agenda since the Planning Commission reviews the Capital Improvement Plan and looks at the future of the Town. Ms. Hair stated as part of the Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funds, Roanoke Street will be receiving new sidewalks and updated sidewalks. Ms. Hair stated the 2010 CAPER reports the spending that has taken place during FY 2010 with the HUD funds. Ms. Hair indicated at this time only engineering services have been paid for approximately \$6,000. Ms. Hair stated a contract has been signed and construction is to begin in October.

Discussion regarding the potential for separate public hearings.

Chairperson Moore introduced the discussion. Chairperson Moore stated there is an e-mail from Mr. Wingfield to Councilman Showalter addressing the Councilman's concerns regarding separate public hearings. Chairperson Moore indicated there was also a memo from staff regarding the separate public hearings. Commissioner Powers stated he was under the impression everyone was in favor. Commissioner Carter stated she has concerns about this and has been approached by several Town Council members. Commissioner Dorsett indicated holding separate public hearings will bring the Planning Commission into professional practice. Commissioner Dorsett suggested designating one of the Planning Commission regular meetings as a public hearing. Commissioner Dorsett indicated the Planning Commission is unable to ask questions during the Town Council public hearing. Commissioner Carter indicated the Planning Commission membership and citizens would need to go to both meetings and if they do not attend the Town Council meeting, it is likely something will be missed. Commissioner Dorsett stated the Town is one of two that continue to have joint public hearings. Commissioner Dorsett stated the Planning Commission would give recommendations to Town Council and if Town Council hears something of importance, they can refer items back to the Planning Commission. Commissioner Carter expressed concern over making a recommendation to the Town Council before they hold their own public hearing.

Commissioner Caldwell stated the original concern was there was not enough representation of Planning Commissioners at the Town Council meetings. Commissioner Vanhoozier stated it is a joint public hearing and the expectation is the Planning Commission and Town Council would be present. Commissioner Vanhoozier stated the attendance reflected Planning Commission members missed more of the joint public hearings than any other meetings, so the thought was to hold separate hearings to improve attendance. Commissioner Caldwell stated Commissioners and the public are now able to watch the public hearings on the website. Commissioner Vanhoozier stated if joint public hearings continue the Planning Commission should have the opportunity to have an exchange with the public. Commissioner Dorsett stated the role of the Planning Commission is more likely to ask technical questions. Commissioner Dorsett stated the Planning Commission normally has work sessions where the public is welcome to come so why not have one meeting be a separate public hearing.

Commissioner Powers presented research for surrounding jurisdictions and how the Planning Commissions operate. Commissioner Powers stated Montgomery County provides a timeline for the process of a public hearing to applicants. Commissioner Carter inquired if the staff presents to the Board of Supervisors and Commissioner Powers stated that is correct, the staff presents, the applicant presents and the Planning Commission presents. Commissioner Powers presented items for Radford City and the Town of Blacksburg.

Discussion regarding the potential for separate public hearings – (continued).

Commissioner Powers state the Town of Blacksburg provides a diagram showing where the applicant is in the process, where the public is involved in the process and what the staff, Planning Commission and Town Council are doing. Commissioner Powers stated the City of Roanoke provides a packet that has all the deadlines including the dates working through the process. Commissioner Powers stated there are a number of ways to address the concerns of how the public can be more active. Commissioner Carter stated she is not opposed to separate public hearings, but she does not want to move forward without some direction. Ms. Lindstrom stated from an open government perspective and public perspective, there would be 2 notifications and provide an opportunity for the public to participate at multiple meetings. Commissioner Sowers stated she would like start with an application process. Commissioner Sowers indicated she does like Roanoke City's calendar approach. Mr. Wingfield stated one problem with doing the calendar approach is the potential of 6 or 7 applications in one period, where typically the Town holds no more than 4 hearings at a time. Commissioner Powers inquired if there is a deadline for being added into the Public Hearing cycle. Mr. Wingfield stated when an application comes in it would be given to the Town Manager to set a public hearing with Town Council. Commissioner Caldwell inquired if Code of Virginia designates how long an application can be held before it needs to be approved or disapproved. Mr. Wingfield stated that is 100 days from the first Planning Commission meeting. Commissioner Powers volunteered the development subcommittee to work with staff to come up with a work flow process for public hearing items. Chairperson Moore indicated he would like to leave some flexibility for providing recommendations to Town Council.

Mr. Bryan Rice addressed the Planning Commission. Mr. Rice stated when the Montgomery County Planning Commission needs more information, the Planning Commission postpones their recommendation and thus the Board of Supervisors' public hearing is postponed also. Mr. Wingfield indicated there will be a need to run separate ads for separate public hearings. Commissioner Dorsett inquired if the Town Council would have information such as meeting minutes from the Planning Commission before the Town Council public hearing. Commissioner Vanhoozier agreed it would be a benefit. Mr. Wingfield stated the cost would include a separate sign for each, a separate ad for each, and separate letters for each. Commissioner Carter inquired about the cost for videotaping the Planning Commission public hearing. Ms. Lindstrom stated it is not required to video tape the meetings. Ms. Lindstrom stated the minutes are made available to Town Council, the liaison can comment to the Town Council and the Planning Commission representative is there to answer any questions and present concerns. Commissioner Carter expressed concern over the availability of videotaping the meetings for the Town website. Commissioner Powers inquired if an attorney attends the Montgomery County Planning Commission public hearings. Mr. Rice stated it does happen on occasion, either at request or if County Attorney thinks it is appropriate based on items on the agenda. Mr. Rice added that there is general not a large attendance by the public for the Planning Commission public hearing.

Discussion regarding the potential for separate public hearings – (continued)

Commissioner Vanhoozier stated he does not have the problem with having staff providing Town Council with the information from the Planning Commission. Chairperson Moore stated he would like to present to Town Council that the Planning Commission would like to hold separate public hearings. Chairperson Moore stated he would like to allow the development subcommittee to assist with developing a work flow. Chairperson Moore suggested not holding separate public hearings until January 2012.

Review of an ordinance amending Chapter 28 "Traffic and Motor Vehicles" of the Christiansburg Town Code in regards to provisions of idling vehicles.

Chairperson Moore introduced the discussion. Chairperson Moore read the drafted idling ordinance: "Any person who idles a vehicle or allows a vehicle to idle in any Residential District, as defined in the zoning ordinance, for a period exceeding fifteen minutes in any twenty-four hour period, except for safety or emergency operations purposes, shall be guilty of a class 1 misdemeanor and shall be punishable as provided in Section 1-6."

Commissioner Vanhoozier stated when the ordinance was brought to Town Council; comments of concerns were heard regarding the misdemeanor class. Commissioner Vanhoozier stated the Town Council felt a class 1 misdemeanor is a severe penalty. Mr. Wingfield read the class 1 misdemeanor penalty. Commissioner Vanhoozier stated the Town Council suggested class 3 or 4. Commissioner Vanhoozier suggested the 1st offense be a class 4 and then the second offense be a class 3. Commissioner Caldwell inquired if there are any other options on how to control the idling issue. Commissioner Vanhoozier stated he did not know of another way to address this. Mr. Wingfield stated currently a violation notice has been sent for a truck terminal which Mr. Bauer mentioned and the property owner has 30 days to comply. Commissioner Vanhoozier added one truck has been allowed by right in the past and Mr. Wingfield stated this is correct and is based on the "truck terminal" definition mentioning "trucks" in plural. Commissioner Caldwell inquired if this could be handled as a private nuisance. Commissioner Vanhoozier stated that would need to be initiated by a private individual. Commissioner Caldwell stated if this is a Town-wide issue then yes an ordinance is needed.

Mr. Wingfield reminded the Planning Commission it is up to the judge to decide on the penalty based on the maximums specified. Commissioner Caldwell inquired if the increased penalty would be for a second violation in a year or 6 months. Commissioner Dorsett suggested a three tiered process. Commissioner Vanhoozier stated he prefers class 4 and then class 3. Chairperson Moore stated he would like to see provisions added regarding ongoing construction, utility repair, and maintenance. Commissioner Powers suggested sending the ordinance on with a recommendation to work in these items.

Review of an ordinance amending Chapter 28 "Traffic and Motor Vehicles" of the Christiansburg Town Code in regards to provisions of idling vehicles – (continued).

Commissioner Dorsett stated she would like to see the violations be punishable under a class 4 and class 2. Commissioner Caldwell stated it is up to the judge to decide what the actual penalty will be, though the Planning Commission can draft a penalty. Commissioner Dorsett stated she would like to include a 30 day jail time with the applicable fines for the misdemeanors. Commissioner Vanhoozier stated the offender has to go to court and pay for fines and court fees.

Mr. Bauer inquired if his neighbor violates the ordinance, he would be responsible for calling the police department and then the police department investigates. Mr. Bauer inquired if the officer has the discretion to give a warning and then with the second offense give a ticket and Mr. Wingfield stated that this would be the case.

Commissioner Vanhoozier made a motion to modify the ordinance with a class 4 misdemeanor for the first violation and then a class 3 misdemeanor for the second violation and subsequent offenses. Commissioner Sowers seconded the motion. Chairperson Moore indicated there had also been a consensus to include a provision for construction and maintenance equipment. The motion passed 8-0. Commissioner Dorsett stated she would like to revisit this item in the future.

Ms. Lindstrom suggested the Town extend a notice date so the public is aware of the potential for a violation. Ms. Lindstrom suggested 30 days of warnings instead of ticketing.

There being no more business Chairperson Moore adjourned the meeting at 9:16 p.m.



Craig Moore, Chairperson



Randy S. Wingfield, Secretary Non-Voting