Christiansburg Planning Commission
Minutes of January 30, 2012

Present: Barry Akers
Mark M. Caldwell, III (arrived at 7:07 p.m.)
Ann H. Carter
M. H. Dorsett, AICP
Steve Huppert
Craig Moore, Chairperson
Joe Powers, Vice-Chairperson
Jennifer D. Sowers
Randy S. Wingfield, Secretary Non-Voting

Absent: none

Staff/Visitors: Nichole Hair, staff
Kali Casper, staff
Brad Stipes, Town Council
Carol Lindstrom, 630 Depot Street, N.E.
Ann Taylor, Brackens Street
Steve Semones, Balzer and Associates, Inc.
Frank Forde, Mega Builders
John Neel, Gay and Neel, Inc.
Jim Wesel, RWWW36, Inc.
Christa Hinkelmann, 222 Wheatland Court
Dot Martin, 230 Wheatland Court

Chairperson Moore called the meeting to order at 7:03 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. Christa Hinkelmann, 222 Wheatland Court, stated she has a few things she would like investigated. Ms. Hinkelmann expressed concerns over traffic for 396 units having 2 car trips, which would mean over 600 car trips per day. Ms. Hinkelmann inquired if the road would be a four lane road or a two lane road. Ms. Hinkelmann wanted to know when and where the second access will be. Ms. Hinkelmann explained with the existing adjoining day care there are traffic issues for the residents at Wheatland. Ms. Hinkelmann had some suggestions for the development including moving the parking for building 5 to rear of the building. Ms. Hinkelmann suggested moving the proposed clubhouse to the proposed tennis court location as noise will carry from the clubhouse over to Wheatland. Ms. Hinkelmann expressed concerns regarding the building height and how that will block the views of the mountains. Ms. Hinkelmann suggested some of the building heights be lowered so residents of Wheatland can look over them. Commissioner Caldwell entered. Ms. Hinkelmann expressed concerns over a traffic circle (cul-de-sac) that will back up to the rear of residences of Wheatland.

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Public Comment – (continued).

Dot Martin, 230 Wheatland Court, stated she did not do her homework when she bought her home in regards to the adjoining property that was seen as an open field and is not in favor of the development. Ms. Martin stated that she thought the development would be nice for everyone but the people at Wheatland and added that she knew she could not fight City Hall in whatever decision is made.

Brad Stipes, 130 Cedar Bluff Drive, stated when the property was brought before the Town Council for a boundary line adjustment, he supported the boundary line adjustment and he is in favor of the present zoning. Mr. Stipes stated he spoke with Mr. Wingfield regarding the request and supports the intense residential development. Mr. Stipes stated he would like to be sure the traffic aspect of the project is properly addressed. Mr. Stipes stated his comments have been forwarded to the Planning Commission through Town staff. Mr. Stipes added Virginia Department of Transportation (VDOT) has agreed to review the traffic impact analysis that could be conditioned and included at the site plan approval stage.

Steve Semones stated Mr. Frank Forde with Mega Builders is in attendance. Mr. Semones stated he would like to go over the adjustments made in the packet. Mr. Semones stated a cover letter details the updates and has been included in the packets. Mr. Semones stated the request for 330 units has been reduced to 295 units with a bedroom count of 615. Mr. Semones stated Mike McPherson with VDOT has been contacted and the 2009 traffic data has been used. Mr. Semones stated the level of service at Peppers Ferry Road and N. Franklin Street intersection will be addressed with the Route 114 widening. Mr. Semones stated it is not the intent of the applicant to do a traffic analysis since VDOT does not require one. Mr. Semones stated VDOT reviews traffic impact analysis and that it kicks in at 5,000 trips per day. Mr. Semones stated the proposed development does come close to any of the thresholds to have a traffic impact analysis required by VDOT. Mr. Semones stated he contacted Blacksburg regarding the use of a trip generator for student apartments and that Blacksburg does not utilize anything different for student apartments. Mr. Semones stated there is a second access shown on the new concept drawing and the road will be built by this project at the time the 200th unit is developed. Mr. Semones stated a sidewalk is included on the new access and Farmview Road. Mr. Semones stated he met with the management and residents of Wheatland and feels it was a good meeting.

Mr. Semones stated it is always sad to see vacant land be developed, but by right uses in B-3 could be far more intense than what is proposed. Mr. Semones stated there is currently a wooden fence on Farmview Road that becomes chain link along Wheatland's property. Mr. Semones stated Mr. Forde has agreed to continue the board fence in place of the chain link fence and add vegetation. Mr. Semones stated the height of buildings will sit below the finished grade of the residences at Wheatland and adding the fencing and vegetation will make it less visible. Mr. Semones indicated the drafted conditions proposed by the Planning Commission have been incorporated with the application. Mr. Semones stated the project will still be done in phases including the sewer and water infrastructure. Mr. Semones added reducing the number of units reduces the number of parking spaces which in turn reduces stormwater runoff.

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Public Comment.

Frank Forde addressed Planning Commission stating his development will be a 295 "class A" apartments. Mr. Forde stated Mega Builders have been doing business since 1998 and have developed in South Carolina, North Carolina, and West Virginia. Mr. Forde invited the Planning Commission to visit Mega Builder's website and see the work that they have done. Mr. Forde stated his company build units, rent them out and stay with the project. Mr. Forde indicated a management company will be hired to manage the property and a separate maintenance staff will be hired. Mr. Forde stated he has taken into consideration the comments made and attempted to incorporate those in the development.

Carol Lindstrom addressed the Planning Commission cautioning those regarding promises of the widening on Route 114. Ms. Lindstrom added with serious budget cuts at the state, especially with transportation, anticipating the Route 114 widening would not be wise. Ms. Lindstrom stated changing of the Town Code is going to open the door to a lot of developments. Ms. Lindstrom requested the Planning Commission consider the impact of the development on the school system.

Ms. Hinkelmann expressed concerns about the height of the development and stated she has walked along the parameter of the property and the parking area is on the same level as Wheatland.

Approval of meeting minutes for January 23, 2012.

Chairperson Moore introduced the discussion. Commissioner Dorsett made a motion to approve the January 23, 2012 meeting minutes. Commissioner Sowers seconded the motion, which passed 8-0.

Planning Commission public hearing for Council's intention to adopt an ordinance amending Chapter 30 "Zoning" of the Christiansburg Town Code in regards to multi-family density allowances in the B-3 General Business District. The Town Council public hearing is set for February 7, 2012.

Chairperson Moore introduced the discussion. Commissioner Dorsett requested the change be read. Mr. Wingfield stepped out to make copies of the proposed change. Commissioner Powers suggested the Planning Commission review the materials that have been presented in their packets before discussing.

Mr. Wingfield stated the amendment is to Section 30-100, which is permitted uses in the B-3 District. Mr. Wingfield read the drafted amendment: "In the B-3 General Business District, structures to be erected or land to be used may be for one or more of the following uses: item (a) Any principal use permitted in the R-3 Multiple-Family Residential District, with a Conditional Use Permit, except that uses permitted as conditional uses in the R-3 District but permitted as of right in the B-3 District shall not require a Conditional Use Permit.

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Planning Commission public hearing for Council's intention to adopt an ordinance amending Chapter 30 "Zoning" of the Christiansburg Town Code in regards to multi-family density allowances in the B-3 General Business District – (continued).

Dwellings are subject to the same requirements as in the R-3 District except that a single-family dwelling in association with a permitted office, business or commercial use, in the same building or on the same premises for use by the proprietor or an employee of said business shall be permitted but not subject to said requirements, including one unrelated individual per unit; and for multi-family dwellings, the density of development shall not exceed the ratio of twenty dwelling units per gross acre."

Commissioner Carter inquired if the use would be by right. Mr. Wingfield stated a Conditional Use Permit would be required. Commissioner Dorsett stated she thought a request had been made to lower the density from 20 units to 16 units per acre. Chairperson Moore stated discussion had been held in regards to that but no change had been made.

Commissioner Powers stated he will be opposing this amendment for two reasons. The first has to do with making the change to the B-3 as opposed to any of the other Districts. Commissioner Powers stated the higher density should not be done in the Business District. Commissioner Powers added the change to the B-3 opens up larger areas to the proposed change. Commissioner Powers stated the proposed site is planned for Mixed Use in the Future Land Use Map of the Comprehensive Plan. Commissioner Powers indicated the Comprehensive Plan describes the Mixed Use: Residential - Limited Business designation as envisioning combinations of residential and commercial planned developments. This designation, like the other mixed-use classification, is targeted at transitional development areas between existing commercial and residential areas. It seems to Commissioner Powers the more appropriate zoning should be a Mixed Use and allow for higher density in Mixed Use and not General Business

Commissioner Dorsett stated she finds her in odd situation as she likes the development and the location is a good place for the development. Commissioner Dorsett has an issue with increasing the density in the B-3 District. Commissioner Dorsett stated she cannot support the change in the zoning ordinance because It would make B-3 the highest density area. Commissioner Dorsett stated if it was limited only to this property, it would be a very nice design. Commissioner Carter stated there are still conditions that can be put on all requests. Commissioner Dorsett inquired how effective has that been in recent years. Commissioner Akers stated that to him, businesses are where goods and services are sold and residential buildings are where people live and this is where people live.

Commissioner Huppert indicated the Town Council and Planning Commission increased the density in the B-2 District to try to get more apartments in the downtown area in order to generate more development. Commissioner Huppert added if the Planning Commission is worried about a carryover, it may be good for increased development. Commissioner Dorsett stated the downtown area is zoned B-2 so the downtown would not be affected with this Code change.

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Planning Commission public hearing for Council's intention to adopt an ordinance amending Chapter 30 "Zoning" of the Christiansburg Town Code in regards to multi-family density allowances in the B-3 General Business District – (continued).

Mr. Semones indicated he has a procedural question and understands the concerns with the Code change. Mr. Semones stated the request for the change in the B-3 District seemed the most appropriate way to go. Mr. Semones understands there are a lot of areas that are zoned B-3, but as Commissioner Carter pointed out there would need to be a condition for the density. Mr. Semones stated if the Planning Commission were to go to MU-2, there would still be a Code change for the density in the MU-2. Mr. Semones stated whether in the MU-2 or B-3, there would be the same process for the same request. Commissioner Dorsett indicated there are fewer properties zoned MU-2 so would be less of an impact. Commissioner Dorsett added the change to B-3 has the potential of having a larger impact and the Planning Commission needs to consider the long-range impact.

Ms. Lindstrom inquired if there is any reason why the property couldn't be requested to be rezoned to MU-2 and then the density be changed in MU-2. Chairperson Moore stated that is another option that can be considered. Commissioner Powers stated the Planning Commission can look at amending the zoning ordinance and should look at the request before them. Commissioner Powers added the Planning Commission cannot ask the applicant to change their request. Chairperson Moore indicated that is correct and the Planning Commission is looking at this particular request.

Commissioner Dorsett indicated when the Comprehensive Plan is updated the Zoning Ordinance will need to be reviewed to implement zoning to match the Comprehensive Plan. Commissioner Dorsett stated property can then be reviewed to be rezoned to meet the Comprehensive Plan and Zoning Ordinance. Commissioner Dorsett inquired if a condition could be added to indicate the property will be rezoned to meet the Comprehensive Plan and Zoning Ordinance. Mr. Wingfield stated in the past this has been done with a Town-wide rezoning.

Commissioner Caldwell inquired if the Central Business District is limited geographically to the downtown area and if this property could be rezoned to B-2. Mr. Wingfield stated the B-2 zoning includes the downtown area and a little area from downtown. Commissioner Caldwell stated there has been a shift of the traditional downtown. Mr. Wingfield stated there are some significant differences in the B-2 District such as landscaping, grandfathered parking status, and setbacks.

Chairperson Moore inquired if the B-3 District is amended could the property be rezoned with a Town-wide rezoning when the Town modifies the Comprehensive Plan. Mr. Wingfield confirmed this could be done. Commissioner Carter stated that could take years. Mr. Wingfield stated it typically takes a year or so. Ms. Lindstrom inquired if there is a way to guarantee a Town-wide rezoning. Mr. Wingfield stated it would take Town Council approval.

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Planning Commission public hearing for Council's intention to adopt an ordinance amending Chapter 30 "Zoning" of the Christiansburg Town Code in regards to multi-family density allowances in the B-3 General Business District – (continued).

Commissioner Carter made a motion to recommend the Town Code be modified in regards to the density in the B-3 District. Commissioner Sowers seconded the motion. Chairperson Moore and Commissioners Carter, Huppert, and Sowers voted in favor of the motion. Commissioners Akers, Caldwell, Dorsett and Powers voted against the motion.

Mr. Wingfield stated the tie vote will go forward to Town Council as if the Planning Commission could not make a recommendation.

Contingent on Item 5, Planning Commission public hearing for a Conditional Use Permit request by Balzer and Associates, Inc. (agent for property owner RWW36, LLC) for a planned housing development at the end of Farmview Road, N.E. (tax parcels 436 – ((A)) – 37, 38, 39, 40, and 41 and a portion of 436 – ((A)) – 35 and 36) in the B-3 General Business District. The Town Council public hearing is set for February 7, 2012.

Chairperson Moore introduced the discussion. Chairperson Moore suggested the Planning Commission approach the request with the thought Town Council may decide to approve the Code amendment.

Commissioner Powers inquired about the proposed public right-of-way for the second access. Mr. Semones stated the same property owner has ownership control to the K-Mart property providing direct access to Laurel Street. Mr. Semones stated as the access goes through the property; it will be built to Town standards. Mr. Jim Wesel stated there is a 70-foot access easement and the easement is platted as an access. Commissioner Caldwell inquired about access directly to Welcome Street. Mr. Wingfield stated the connection is at a different property owner's property. Mr. Semones stated access at Grand's was looked at but elevation and a large gas line are prohibitive issues. Commissioner Powers inquired about the sidewalk that is proposed on Farmview Road. Commissioner Powers indicated sidewalks are typically five feet in width. Commissioner Powers inquired if the sidewalk is placed along the street on the Wheatland side of the street, how much greenspace would be left between the sidewalk and Wheatland. Mr. Semones indicated there would be none. Mr. Semones indicated he has spoken with Town Engineering Department regarding sidewalks because existing sidewalks on Farmview Road are four feet wide. Mr. Semones added in order to meet current sidewalk standards, the new sidewalk would be outside the existing right-of-way. Mr. Semones indicated the Town engineering staff would be looking at the right-of-way. Mr. Semones indicated Wheatland management suggested placing the sidewalk on the opposite side of the street in order to maintain vegetation.

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Commissioner Dorsett indicated she has concerns with the intersection of Sunset Drive and Farmview Road and the interaction of various different types of drivers. Commissioner Dorsett suggested there be two stop signs at the intersection. Mr. Semones indicated that is an option that can be looked at. Mr. Semones added if it is something that VDOT or Town staff will look at, that can be considered. Mr. Semones indicated traffic exiting Farmview Road would be backing up to the adjoining church property. Commissioner Dorsett stated the bigger issue is it will slow everyone and could control potential problems, even until the second access is installed. Mr. Semones stated he would need to ask Town staff with the intersection being that close to the signal.

Commissioner Powers inquired about the a.m. peak traffic and the maximum queue leaving from Farmview Road to go onto N. Franklin Street. Mr. Semones stated the queue will be right up to the intersection of Sunset Drive and then about 132 feet back from N. Franklin Street in the p.m. peak traffic. Commissioner Powers stated the back up from Sunset Drive will have to wait for the signal to change. Ms. Martin inquired if there would a stop sign or yield sign at Wheatland Court. Mr. Semones stated there would be a stop sign and the possibility of adding a stop sign on Farmview Road could be considered. Ms. Hinkelmann inquired about a roundabout at the intersection.

Commissioner Caldwell inquired if there is a left-hand turn lane at the intersection of Farmview Road and N. Franklin Street. Mr. Semones indicated there is not, there is just one lane existing Farmview Road. Commissioner Caldwell inquired if there is enough room for a car to turn right while another is waiting to turn left. Mr. Semones indicated he is not sure if there is enough room. Mr. Semones stated the initial study for the development looked at widening Farmview Road. Ms. Hinkelmann indicated there is room for a car to turn right.

Commissioner Huppert inquired if all the buildings will be built at once or in stages. Mr. Semones stated the development would be staged. Commissioner Huppert inquired how that would be done. Mr. Forde stated the amenities would be built first and then the adjacent buildings would be built. Commissioner Huppert inquired if the concept drawing is set in stone or could the clubhouse be moved. Mr. Forde stated when someone comes onto a property the developers like people to see the clubhouse and amenities available first. Commissioner Huppert inquired if the units will be marketed towards individuals in their 20s, 30s and 40s. Mr. Forde stated the development is open to anyone that meets financial and other background criteria.

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Commissioner Huppert stated the proposal is to provide the second access road when the 200th unit is built. Commissioner Huppert inquired if the Town Council would want the second access at the completion of the 150th unit and whether that is possible. Mr. Forde stated it would need to be looked at. Mr. Forde added in order to improve Farmview Road and build the second access with units at the beginning of development, it could be cost prohibitive if units are vacant. Commissioner Huppert inquired about the easement on K-Mart and concern of traffic emptying into the parking lot. Mr. Forde stated the drive aisle of the parking lot would be utilized. Commissioner Powers stated that would mean there is 90 degree parking on both sides of the driving aisle. Mr. Forde assumes there will only be parking on one side.

Ms. Martin stated she was told the first 32 units would be behind her property and that is not bad, but the parking adjoining the property may be bad. Ms. Hinkelmann indicated they were told the parking would possibly be moved.

Commissioner Dorsett inquired about adding a berm at the parking lot. Mr. Semones stated the grading plan shows a 4-foot drop in elevation between the parking lot and Wheatland. Commissioner Dorsett suggested a berm with a fence and plantings could block the parking lot. Mr. Semones stated there is a possibility of the parking spaces being relocated or eliminated and the residents at Wheatland have been guaranteed that will be considered.

Commissioner Sowers inquired about the bedroom count and how many 1, 2 or 3 bedroom units will be developed. Mr. Forde stated there will be 70 1-bedroom units, 130 2-bedroom units and 95 3-bedroom units. Ms. Lindstrom inquired if the development is done in two phases, does that mean there will be residents and construction traffic using the same road. Mr. Forde stated the infrastructure will be put in at once and that will be most of the heavy construction. Mr. Forde indicated the second access would roughly be put in place for additional construction traffic for the second phase of the development. Commissioner Huppert inquired if the developer has a rough timeline if the request is approved by Town Council. Mr. Forde stated if the request is approved by March 1st, it would take 30 to 60 days to close on the property. Mr. Forde stated the intent is to start construction May 1st and be open by fall of 2013.

Commissioner Powers would like to address the orientation of the clubhouse. Mr. Forde stated the concept drawing makes it appear to be a large clubhouse but the building will house the leasing area with access to the pool. Commissioner Powers inquired the closest area to Wheatland would be the leasing area and the pool will be furthest away. Commissioner Sowers inquired if there would be rooms for party rentals and Mr. Forde stated that would not be the case with this project. Mr. Forde added this would have the leasing office and a patio for a pool, which would be outside.

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Ms. Martin inquired about what would be between the apartments and By-Pass. Mr. Forde stated VDOT right-of-way and from the right-of-way to the development would be grass and/or vegetation.

Chairperson Moore inquired if it is possible to provide a buffer of vegetation between Farmview Road and Wheatland in the curve to protect from noise at the clubhouse. Mr. Forde indicated the desire is keep the right-of-way in this area as it is and place the sidewalk on the opposite side of the street so vegetation can be installed. Chairperson Moore inquired about installing trees interior to the development. Mr. Forde stated it would be more desirable to see the clubhouse when entering the property. Ms. Hinkelmann inquired who would maintain the trees if planted. Chairperson Moore stated the property owner would responsible and the clarified the developer would only be planting trees on their property, not the Wheatland property. Ms. Hinkelmann inquired where the Wheatland property line ends. Mr. Semones stated he believes it is with the existing fence. Ms. Hinkelmann stated there are four units behind the fence that need to be considered in regards noise, traffic and dust.

Commissioner Dorsett inquired about the bio-retention on the property and said consideration should be given for other areas of the property. Mr. Semones stated the project will be keeping the same drainage shed towards the Route 460 By-Pass.

Chairperson Moore inquired how long it would take to reach 200 units. Mr. Forde stated the development would be in two phases, with 150 units in the first permit application/Certificate of Occupancy phase and then 150 units with the second. Chairperson Moore inquired when the first phase would be completed. Mr. Forde stated if grading began June 1st, product would be available in nine months. Chairperson Moore stated there are times that a second phase drags on and never finishes and he wondered if it could be possible to require the access road be built after five years. Mr. Forde stated he is going to do 295 units and work would be in a manner to appear to be done in continuity and not in phases. Chairperson Moore indicated the development is intended to be seamless and feels a five year time limit to construct the second access would not be unreasonable. Mr. Forde agreed.

Commissioner Powers suggested the Planning Commission discuss changes to the drafted conditions. Commissioner Powers inquired how to word the condition regarding the second access. Chairperson Moore suggested the second access be constructed prior to the 200th unit or within five years from the issuance of the first building permit whichever is less. Commissioner Powers stated the access should just be a public access. Mr. Forde indicated he cannot designate that as public and Commissioner Powers indicated the property owner can.

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Commissioner Huppert inquired about a sidewalk with the second access. Mr. Semones stated it would include a trail or sidewalk. Commissioner Huppert stated he would like to add the trail or sidewalk will be developed with the second access.

Chairperson Moore read drafted conditions:

1. The presented "General Conditions of the Proposed Mega Builders Multi-Family Development" as revised January 27, 2012 shall be considered as conditions of approval.
2. The development shall be in general conformity with the presented "Exhibit A – Site Rendering" and "Mega Builders Overall Plan" and "Mega Builders Conceptual Masterplan" drawings as revised January 27, 2012.
3. The development shall provide a cul-de-sac at the end of Farmview Road, N.E..
4. The development shall provide a bus shelter for a future bus stop if deemed appropriate by the Town.
5. The development shall provide a second public or private access directly connecting to Laurel Street, Welcome Street, Sycamore Street, or Peppers Ferry Road prior to the issuance of the Certificate of Occupancy for the 200th unit.
6. Farmview Road, N.E. shall be upgraded to N. Franklin Street to the Town Engineer's satisfaction including installation of sidewalks on one side of the street.
7. The developer shall provide a trail connection to the remainder of either tax parcel 436 – ((A)) – 35 or 36 at a location to be approved by Town staff.
8. Costs associated with water and sewer main upgrades are to be borne by the developer.
9. The development shall be limited to a maximum of 615 bedrooms.

Commissioner Dorsett indicated she would like to add a condition for stop sign at the intersection of Farmview Road and Sunset Drive. Commissioner Sowers indicated that may not be possible with the proximity to the stop light. Chairperson Moore indicated the condition can be for the Street Committee and Town engineering staff to review the intersection for stop signs if deemed necessary. Commissioners Powers and Dorsett indicated agreement.

Commissioner Caldwell indicated he would like to edit item 6 to dedicate a right turn lane. Commissioner Sowers inquired if the street is wide enough and if not, would property need to be taken from the church. Mr. Semones stated the right-of-way is 50 feet wide, but the developer is giving a second access to help with traffic concerns. Mr. Semones indicated the data used for Farmview Road provides the worst case scenario for traffic if the second access was not installed. Mr. Semones stated the data could be edited to include the second access but traffic analysis is a little bit of guess work.

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Commissioner Caldwell stated he believes that is why Mr. Stipes suggested requiring a traffic impact analysis. Commissioner Caldwell added he is not sure the Balzer and Associates study takes into account traffic sitting at the signal. Mr. Semones indicated the situation is taken into account but the traffic does not back up past Sunset Drive during the peak hours. Commissioner Caldwell stated the targeted demographics in the development may be going left off of Farmview Road. Mr. Semones stated he does not feel there is a need for a right turn lane if the additional access is built. Commissioner Powers suggested having the Street Committee and Town engineers review the right turn lane and if the turn lane is needed it will be added. Commissioner Caldwell suggested the wording that if it is recommended by the Street Committee after studying, a dedicated right turn lane will be added. Commissioner Powers inquired as to whether with the future Waffle House (at N. Franklin Street and Patricks Way) there are two dedicated turn lanes out onto N. Franklin Street. Mr. Wingfield indicated that is correct. Mr. Forde stated his concerns are with the existing curb and gutter on Farmview Road and would need to move the curb and gutter if required by the Street Committee. Commissioner Caldwell sited other traffic issues at a signal at the DMV. Mr. Wingfield stated a dedicated right hand turn lane could be required from Farmview Road onto N. Franklin Street if deemed appropriate by the Street Committee and Town staff. Ms. Hinkelmann indicated there should be added wording for a left turn lane. Chairperson Moore stated wording should indicate it is an additional lane. Mr. Wingfield suggested a second lane will be added for the wording. Commissioner Carter inquired about the developer being required to tear out curb and gutter and then have to replace it and Mr. Wingfield stated that would be correct. Mr. Semones stated looking back at the traffic study for the development some of those improvements will have to be required when the development is built out.

Commissioner Powers stated he would like to condition there shall be a minimum of 3 feet of greenspace between the curb or sidewalk and the Wheatland property. Commissioner Dorsett requested Mr. Wingfield read the condition for intersection of Sunset Drive and Farmview Road. Mr. Wingfield read “Stop signs shall be required at the intersection of Farmview Road and Sunset Drive”. Commissioner Dorsett requested the condition be reworded to require the Street Committee and Town Engineer review the intersection.

Commissioner Huppert requested once all the conditions are decided on, could they be read. Chairperson Moore agreed.

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Chairperson Moore indicated another concern is regarding construction traffic and indicated that traffic would utilize Farmview Road at first but the second access would be utilized further down the line. Mr. Semones stated that is, but will be left up to Mr. Woody as to where the location of the second access will be. Steve Semones added the major dirt moving will be done before constructing the units or the second access. Mr. Semones added the intent is not to have major construction traffic through the K-Mart parking lot. Mr. Semones stated the majority of the dirt will remain on the site.

Mr. Wingfield read the revised, drafted conditions:

1. The presented "General Conditions of the Proposed Mega Builders Multi-Family Development" as revised January 27, 2012 shall be considered as conditions of approval.
2. The development shall be in general conformity with the presented "Exhibit A – Site Rendering" and "Mega Builders Overall Plan" and "Mega Builders Conceptual Masterplan" drawings as revised January 27, 2012.
3. The development shall provide a cul-de-sac at the end of Farmview Road, N.E..
4. The development shall provide a bus shelter for a future bus stop if deemed appropriate by the Town.
5. The development shall provide a second public ingress/egress access easement or public street including trail or sidewalk directly connecting to Laurel Street, Welcome Street, Sycamore Street, or Peppers Ferry Road prior to the issuance of the Certificate of Occupancy for the 200th unit or five years from the issuance of the first Building Permit, whichever occurs first.
6. Farmview Road, N.E. shall be upgraded to N. Franklin Street to the Town Engineer's satisfaction including installation of sidewalks on one side of the street.
7. The developer shall provide a trail connection to the remainder of either tax parcel 436 – ((A)) – 35 or 36 at a location to be approved by Town staff.
8. Costs associated with water and sewer main upgrades are to be borne by the developer.
9. The development shall be limited to a maximum of 615 bedrooms.
10. Stop signs shall be required at the intersection of Farmview Road and Sunset Drive if deemed appropriate by the Town Street Committee and Town Engineer.
11. A second lane shall be required at Farmview Road, N.E. onto N. Franklin Street if deemed appropriate by the Town Street Committee and Town Engineer.
12. There shall be a minimum of three feet greenspace between the curb line or sidewalk if the sidewalk is placed on the Wheatland side (southern side of Farmview Road).

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Contingent on Item 5, Planning Commission public hearing for a Conditional Use Permit request by Balzer and Associates, Inc. (agent for property owner RWW36, LLC) for a planned housing development at the end of Farmview Road, N.E. (tax parcels 436 – ((A)) – 37, 38, 39, 40, and 41 and a portion of 436 – ((A)) – 35 and 36) in the B-3 General Business District – (continued)

Commissioner Carter inquired who will maintain the public access easement or street. Mr. Wingfield indicated the Town would maintain it if it were a public street. Ms. Hinkelmann stated she did not hear that the two lanes go separate directions, with one going right and one going left. Chairperson Moore stated the intent is for two turn lanes and will be studied by the Street Committee and Town Engineer.

Mr. Semones stated the property owner does not want to dedicate a public right-of-way to the Town that would be open to all traffic. Mr. Semones indicated a public easement would be acceptable and would not negatively impact the future development of the property. Commissioner Powers agreed a public ingress/egress easement would be acceptable. Mr. Wingfield stated it does not need to be a street. Mr. Forde suggested a non-exclusive easement for ingress/egress. Commissioner Powers suggested the applicant have some wording available for Town Council. Commissioner Powers suggested providing the number of lanes and the width. Mr. Semones stated it would be built to Town standards for commercial access. Chairperson Moore suggested the condition for the second access be worded as an ingress/egress easement. Mr. Wingfield suggested allowing a public easement or public street. Commissioner Carter inquired what width the Town would require and Mr. Wingfield stated the Town would require a minimum of 23 feet in width.

Commissioner Caldwell made a motion to recommend approval of the CUP request, based on the Code amendment, with the drafted conditions. Commission Carter seconded the motion which passed 8-0.

Other business.

Mr. Wingfield stated the Planning Commission had inquired about the number of parking spaces in the courthouse parking garage. Mr. Wingfield stated there are 137 spaces total with 64 on the first floor for employees and 73 on the upper deck. Mr. Wingfield added there will be an additional 44 parking spaces located on the prior tire store lot. Mr. Wingfield stated that there will be an additional 10 spaces on the site of the former Crowgy law office and that this was obtained after the Courthouse site plan approval.

Mr. Wingfield stated Sullivan Street does not have “No Through Traffic” signs. Mr. Wingfield added the applicant at 195 Sullivan Street came in and would like to extend the hours of operation to 11:00 p.m. Mr. Wingfield stated he has instructed the applicant to approach Town Council during the public hearing at their next meeting.

There being no more business Chairperson Moore adjourned the meeting at 9:10 p.m.

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

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