Christiansburg Planning Commission
Minutes of March 26, 2012

Present: Barry Akers
Mark M. Caldwell, III
Ann H. Carter
Harry Collins
M. H. Dorsett, AICP
Steve Huppert
Craig Moore, Chairperson
Ashley Parsons
Joe Powers, Vice-Chairperson
Jennifer D. Sowers
Randy S. Wingfield, Secretary Non-Voting

Absent: none

Staff/Visitors: Nichole Hair, staff
Kali Casper, staff
Carol Lindstrom, 630 Depot Street, N.E.
John Neel, Gay and Neel, Inc.
Jim Radford, Radford & Radford Properties, LLC
Jimmy Radford, Radford & Radford Properties, LLC
Josh Cook, Cook's Auto Upgrades
Eric Limon

Chairperson Moore called the meeting to order at 7:31 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia to discuss the following items:

Public Comment.

Commissioner Huppert commented regarding the attendance of the Planning Commission and stated that Town Council feels regular attendance is important. Commissioner Huppert reminded the Planning Commission of the By-laws provisions regarding attendance and requested Commissioners not able to attend meetings to contact Mr. Wingfield.

Chairperson Moore opened the floor for public comment. Carol Lindstrom, resident at 630 Depot Street, N.E., requesting if the Planning Commission will be holding a work session regarding new legislation. Chairperson Moore indicated it is possible and that he will refer this item to staff.

Approval of meeting minutes for March 12, 2012.

Chairperson Moore introduced the discussion. Commissioner Collins made a motion to approve the March 12, 2012 meeting minutes. Commissioner Sowers seconded the motion, which passed 8-0, with Commissioners Caldwell and Akers abstaining.

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Council's intention to adopt an ordinance in regards to a rezoning request by Natalie H. Cheadle for property at 175 East Street (an approximately 6.6 acre portion of tax parcel 528 – ((A)) – 23) from I-2 General Industrial to B-3 General Business. The property is scheduled as Residential and Industrial in the Future Land Use Map of the Christiansburg Comprehensive Plan. The Planning Commission public hearing was held March 12, 2012 and the Town Council public hearing was set for April 3, 2012. **This request was withdrawn by the applicant.**

Chairperson Moore introduced the discussion. Chairperson Moore indicated the request was withdrawn by the applicant and no action is needed.

A Conditional Use Permit request by Natalie H. Cheadle for an overnight recreational vehicle park at 175 East Street (an approximately 6.6 acre portion of tax parcel 528 – ((A)) – 23) in the B-3 General Business District. This request was contingent on Item 3. The Planning Commission public hearing was held March 12, 2012 and the Town Council public hearing was set for April 3, 2012. **This request was withdrawn by the applicant.**

Chairperson Moore introduced the discussion. Chairperson Moore indicated the request was withdrawn by the applicant and no action is needed.

Planning Commission public hearing for Council's intention to adopt an ordinance in regards to a rezoning request by Radford & Radford Properties, LLC for property at 325 Falling Branch Road (tax parcel 529 – ((A)) – 25C) from R-2 Two-Family Residential to B-3 General Business. The property contains 0.818 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. The Town Council public hearing is set for April 17, 2012.

Chairperson Moore introduced the discussion. John Neel, representing Mr. Jim Radford and Jimmy Radford addressed the Planning Commission. Mr. Neel indicated a document has been presented including a proffer statement and planned housing development. Mr. Neel added the proffer statement is two proffers, one limiting the uses on the property and that only 9 units will be developed. Commissioner Powers asked why the property is being rezoned to business in order to put residences on it. Mr. Neel indicated there is only 110 feet of street frontage and R-3 for multi-family use requires 125 feet of street frontage. Mr. Wingfield indicated R-2 does not allow for multi-family use. Mr. Wingfield detailed the location of the property. Commissioner Powers stated the intent of a planned housing development is to allow the developer flexibility.

Commissioner Powers inquired if that flexibility includes frontage. Mr. Wingfield stated this is correct. Commissioner Powers inquired when the property was purchased and Mr. Jim Radford stated he purchased the property 10 years ago. Commissioner Caldwell asked if the applicant has looked at purchasing adjoining property to meet the 125 foot frontage requirement in R-3 and Mr. Radford stated that had not been done. Commissioner Carter stated she has some concerns including home occupations in the proffer. Mr. Neel stated that can be removed. Mr. Neel added home occupations were added in the stated permitted uses since they are allowed under the Zoning Ordinance.

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Planning Commission public hearing for Council's intention to adopt an ordinance in regards to a rezoning request by Radford & Radford Properties, LLC for property at 325 Falling Branch Road (tax parcel 529 – ((A)) – 25C) from R-2 Two-Family Residential to B-3 General Business. The property contains 0.818 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan – (continued).

Commissioner Collins asked if the development would be townhouses. Mr. Neel stated the development would be townhouse style but will not be individual lots. Commissioner Dorsett indicated she assumes the units are two stories and Mr. Neel stated that is correct. Commissioner Dorsett commented the development reminds her of the units on Chinquapin Trail by the Montgomery County Government Center.

Planning Commission public hearing for a Conditional Use Permit request by Radford & Radford Properties, LLC for a planned housing development (multi-family residential use) at 325 Falling Branch Road (tax parcel 529 – ((A)) – 25C) in the B-3 General Business District. This request is contingent on Item 5. The Town Council public hearing is set for April 17, 2012.

Chairperson Moore introduced the discussion. John Neel addressed the Planning Commission. Mr. Neel stated the second page of document provided is the specific zoning regulations proposed for the planned housing development. Mr. Neel added the development standard 2 (D), regarding the distance from the building façade and the driving aisle or common parking area, is different from the Zoning Ordinance. Mr. Neel stated the Zoning Ordinance requires a 15-foot setback of the building from the parking area or driving aisle and 8 feet is proposed. Mr. Neel stated the proposed layout has taken into consideration the adjoining properties. Mr. Neel added an evergreen screen has been provided, along with retaining existing trees. Mr. Neel stated the open space being dedicated does not include the storm water management area and exceeds open space requirements. Commissioner Dorset asked if the storm water management area would be a low impact design. Mr. Neel indicated this would be the case as the project would require water quality measures.

Mr. Neel commented there have been two different designs for the project, one as presented with 8 units and another with 9 units, which the proffer statement addresses. Mr. Neel added including a ninth unit would still double the required open space.

Commissioner Powers inquired if the adjoining property owners have seen the design. Mr. Neel replied he has not met with the adjoining property owners but they did receive notices from the Town. Commissioner Caldwell asked if the ninth unit would require 2 parking spaces. Mr. Neel indicated it would. Chairperson Moore stated the concept drawing has not been proffered. Mr. Neel stated the applicant felt a condition regarding the concept drawing would be acceptable.

Commissioner Huppert stated the public hearing held on April 17th will be held at the Aquatic Center.

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Commissioner Collins asked if the developer had examples of townhomes they have built that the Planning Commission could see. Mr. Jim Radford stated he does not have this at this time. Mr. Neel stated examples of similar units will be provided at the next meeting. Commissioner Dorsett inquired how the facades will look on the townhomes. Mr. Neel stated Mr. Collins was requesting the similar information and visuals will be provided at the next meeting. Commissioner Parsons requested elevation views from the rear since the adjoining residence will be seeing the rear of the buildings.

Commissioner Dorsett inquired how runoff from the development will be handled to not affect adjoining properties. Mr. Neel indicated the design includes a general swale at the rear of the development plus additional piping. Commissioner Dorsett requested a condition that the runoff does not go onto 335 Falling Branch Road. Chairperson Moore stated there will be some runoff from the impervious area and that completely preventing runoff may not be practical. Commissioner Dorsett commented when Huff Heritage was developed the neighboring properties were flooded from runoff and she does not want to see the same thing happen here. Commissioner Sowers inquired if anything has been staked out to visualize the units on the lot. Mr. Neel stated the units are not staked but they had located the corners of the property. Commissioner Huppert inquired if signs are located on the property. Mr. Neel stated the Town has posted the public hearing signs.

Commissioner Carter expressed concerns regarding home occupations being allowed in the development. Mr. Neel stated the proffer can be removed. Mr. Wingfield stated there are different home occupation definitions in the Zoning Ordinance and minor home occupations are allowed by right to be approved administratively and major home occupations require Conditional Use Permit approval. Commissioner Powers indicated if minor home occupations are not listed, they would not be allowed. Mr. Wingfield stated this is correct. Commissioner Dorsett felt it would make since to have minor home occupation listed in the proffer. Mr. Neel stated he can modify the proffer if desired. Commissioner Carter expressed concerns over parking of work vehicles for the home occupations. Commissioner Sowers inquired about regulations regarding vehicles and signs for a home occupation. Mr. Wingfield stated a minor home occupation is allowed one truck and trailer. Chairperson Moore suggested being more restrictive by having no outside indication of a home occupation. Commissioner Sowers stated with only two parking spaces per unit there will not be the opportunity for multiple vehicles. Commissioner Sowers indicated she feels restricting home occupations is limiting the occupants. Commissioner Collins inquired what the rental price would be. Mr. Neel stated the rent will be market driven and being new construction the rent may be slightly higher. Commissioner Powers stated the Code requires two parking spaces per unit but no overflow parking for visitors. Mr. Wingfield stated overflow parking is not required but could be included as a condition.

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Ms. Lindstrom addressed Planning Commission inquiring about parking for potential customers of the minor home occupations. Mr. Wingfield stated customer parking would be limited to on the property or along the property's frontage on Falling Branch Road. Mr. Wingfield added under the definition of home occupation, there are to be no more than two customers at a time (as more than three is considered group visitation). Ms. Lindstrom asked if minor home occupations could require a Conditional Use Permit for this development so it can be reviewed on a case by case basis and Chairperson Moore stated that suggestion may be appropriate. Mr. Neel stated there is no intention to have a customer based business out of the units and he is willing to strike the proffer. Commissioner Caldwell stated if it is stricken, home occupations would not be allowed. Ms. Lindstrom suggested the renter of the unit would be responsible for applying for the CUP and it could be terminated when the occupant vacated the unit. Mr. Wingfield stated the home occupation application requires the property owner to sign the application form. Chairperson Moore stated this is reasonable since the property owner would want to know what is going on their property.

Planning Commission public hearing for a Conditional Use Permit request by Cook's Auto Upgrades (acting as agent for property owner MTS Associates) for an automobile upholstery shop at 575 N. Franklin Street (tax parcels 496 – ((8)) – 51 and 52) in the B-3 General Business District. The Town Council public hearing is set for April 17, 2012.

Chairperson Moore introduced the discussion. Josh Cook addressed the Planning Commission. Mr. Cook indicated his business is currently located on Radford Street. Mr. Cook stated he is looking for a larger site and this property meets his needs. Mr. Cook added the property was used for ATV sales and he was not sure what all will need to be done to the building for his use. Commissioner Dorsett asked why a CUP is required for upholstery businesses. Mr. Wingfield stated furniture upholstery is by right and auto upholstery requires a Conditional Use Permit because there is storage of vehicles. Commissioner Dorsett asked if Mr. Cook would be doing just upholstery. Mr. Cook stated he will be doing window tinting also.

Chairperson Moore read the drafted conditions:

1. The property is to be maintained in a clean, sanitary, and sightly manner.
2. This permit is for an automobile upholstery shop, not a mechanical garage or towing service and not a body shop or for conducting bodywork. An additional Conditional Use Permit application shall be required for a commercial garage or towing service (if desired).
3. All parts, including faulty parts, tires, etc. are to be kept inside the garage or a fully enclosed building (including a roof) until disposal.
4. All waste petroleum products and chemicals are to be disposed of properly and are not to accumulate upon the premises. Provisions are to be made for the capture of leaking petroleum products and chemicals for all towed vehicles and vehicles left for repair.

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5. There will be no storage of vehicles upon the premises except for vehicles occasionally left for repair. All vehicles left for repair are to be kept on-premises and not within any public right-of-way or adjacent property. All vehicles on the property are to have a State inspection decal that is either valid or dated within 90 days of its expiration.
6. Mechanical work is to be done inside the building and not outside.
7. There are to be no loud offensive noises so as to constitute a nuisance to the residential properties in the vicinity.
8. There are to be no discernible noises to residential properties in the nearby vicinity before 7:00 a.m. and after 7:00 p.m.
9. All towed vehicles and/or vehicles left for repair are to be stored within an area surrounded by a minimum eight-foot tall privacy fence obscuring the view of the storage lot and its contents or inside the building. Such fence is to be constructed of durable materials and maintained in a sightly manner and installed within six months of the CUP approval date.
10. This permit shall be revocable for violations of Chapter 3 "Advertising" of the Christiansburg Town Code occurring on the property.
11. This permit is subject to inspections and approval of the facilities by the Fire Marshall and Building Official.

Mr. Wingfield commented these are the same conditions used in 2002 from another request on Midway Plaza Drive with the exception that the 11th condition was tied to the Certificate of Occupancy as the building was under construction.

Commissioner Powers stated the storage of vehicles would be in front of the building so a fence would be all that would be seen. Mr. Wingfield indicated that is correct but the condition can be changed as the Planning Commission sees fit.

Commissioner Caldwell asked how many cars can fit in the building. Mr. Cook stated he can have three vehicles in the building. Commissioner Collins asked how many cars would be parked outside. Mr. Cook stated 6 vehicles could be parked outside the building. Commissioner Powers asked if Mr. Cook would be in the other building on the property. Mr. Cook stated he would be in the building up the hill but hopes to use the other building for a car lot in the future.

Commissioner Powers asked why two parcels are included in the request. Mr. Wingfield stated the address that was listed on the application was applicable to both parcels and they both were owned by the same property owner. Commissioner Collins inquired if the property owner needs to be notified of the request and use. Mr. Wingfield stated the property owner signed the application. Commissioner Powers inquired if the fence is needed for this request. Mr. Wingfield stated the condition can be dropped. The Planning Commission agreed to drop the requirement for a fence.

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Chairperson Moore inquired if there would not be any towed vehicles to the property. Mr. Cook stated he is not a towing service and had never had a vehicle towed to him for service. Chairperson Moore inquired if all the vehicles will have valid inspections and registrations. Mr. Cook stated the only time a vehicle would not meet this would be antique vehicles. Chairperson Moore suggested modifying the condition to address that. Chairperson Moore suggested wording such as all vehicles shall be licensed and if required, have a state inspection. Commissioner Dorsett inquired about vehicles that are not mechanically ready but are on the property for upholstery. Chairperson Moore suggested if vehicles are left outside they should be licensed and have a state inspection if required. Chairperson Moore requested Mr. Wingfield read the revised condition. Mr. Wingfield read "There will be no storage of vehicles upon the premises except for vehicles occasionally left for repair. All vehicles left for repair are to be kept on-premises and not within any public right-of-way or adjacent property. All vehicles to be stored inside the building are to have a current license and valid state inspection." Commissioner Dorsett stated vehicles without a state inspection or license would be stored inside the building. Commissioner Caldwell suggested vehicles not stored within the building will have a valid license and state decal if required.

Mr. Wingfield read the revised condition: "There will be no storage of vehicles upon the premises except for vehicles occasionally left for repair. All vehicles left for repair are to be kept on-premises and not within any public right-of-way or adjacent property. All vehicles not stored within the building are to have a current license and shall have a valid state inspection (if required)."

Ms. Lindstrom inquired if the Conditional Use Permit will be attached to the property or will it remain with the lease of the property. Mr. Wingfield stated a condition can be made for the CUP to be valid for the applicant only. Commissioner Collins stated there are multiple buildings on the property and only one address. Commissioner Collins inquired how that will be addressed. Mr. Wingfield stated the office building could not be used for storage of vehicles as there is not a garage attached. Commissioner Powers stated these conditions go with this use and the business would be required to comply. Commissioner Powers added these conditions would not apply to other uses in the B-3. Mr. Wingfield stated that is correct. Mr. Wingfield added if Mr. Cook were to run a car dealership on the property, he would have to get a Business License and a Motor Vehicle Dealer Board dealer license.

Commissioner Sowers stated the request cannot really be divided between the parcels because access is through the larger parcel. Mr. Wingfield stated that is correct and the same address is used for both parcels.

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Other Business.

The next Planning Commission meeting will be held April 9, 2012 at 7:00 p.m. Commissioner Powers added the Development Subcommittee will be meeting Wednesday at 9:00 a.m.

There being no more business Chairperson Moore adjourned the meeting at 8:39 p.m.

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

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