Christiansburg Planning Commission
Minutes of April 9, 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
Jim Vanhoozier, Town Council
John Neel, Gay and Neel, Inc.
Jim Radford, Radford & Radford Properties, LLC
Jimmy Radford, Radford & Radford Properties, LLC
Josh Cook, Cook's Auto Upgrades

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

Public Comment.

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

Approval of meeting minutes for March 26, 2012.

Chairperson Moore introduced the discussion. Commissioner Caldwell made a motion to approve the March 26, 2012 meeting minutes. Commissioner Akers seconded the motion, which passed 10-0.

Chairperson Moore indicated the agenda will be amended to move Item 5 up to Item 3.

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. Chairperson read the 11 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.
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 not stored within the building are to have a current license and shall have a valid state inspection (if required).
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. This permit shall be revocable for violations of Chapter 3 "Advertising" of the Christiansburg Town Code occurring on the property.
10. This permit is subject to inspections and approval of the facilities by the Fire Marshall and Building Official.
11. This permit shall be valid for the applicant only and is nontransferable.

Commissioner Dorsett made a motion to approve. Commissioner Caldwell indicated he would like to clarify condition 6 regarding mechanical work. Chairperson Moore indicated "mechanical" would be stricken. Commissioner Dorsett amended her motion to include this change. Commissioner Caldwell seconded the motion with revision to condition 6. Commissioner Collins indicated this property has multiple buildings on the property. Mr. Wingfield stated it would apply to all the buildings but the applicant would only be able to use the back building for this purpose since the front building is an office without garage bays. The motion passed 10-0.

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. Chairperson Moore indicated correspondence was received regarding the request. Mr. Wingfield stated the Town did receive one letter from an adjoining property owner. Mr. Wingfield stated the Town has received a revised proffer statement as well as revised zoning regulations and concept plan. Commissioner Carter expressed concerns that the Comprehensive Plan indicates the property will be residential. Commissioner Powers agreed with Commissioner Carter and expressed concerns about rezoning the property to business even if the use will be residential. Mr. Wingfield stated the applicant could have asked for rezoning to R-3 Multi-Family Residential, but there was the potential for it to be considered spot zoning. Commissioner Powers requested Mr. Wingfield's definition of spot zoning. Mr. Wingfield stated there is not a defined acreage of spot zoning the in Code of Virginia, but he feels spot zoning occurs when there is no contiguous similar zoning and the rezoned property is small. Mr. Wingfield added that a property of 20 acres would likely not be considered spot zoning but a property of less than 1 acre may fall into that category. Commissioner Dorsett inquired about district sizes. Mr. Wingfield stated the R-3 District requires a minimum lot size of 15,625 square feet for multi-family use, but the B-3 District does not have a minimum lot size. Commissioner Dorsett inquired if the lot meets the District size. Mr. Wingfield stated the Town does not have District sizes, just minimum lot sizes.

Commissioner Powers stated when looking at the zoning map he sees a fair amount of R-3. Mr. Wingfield stated the R-3 portions in Town all fairly large continuous areas. Mr. Wingfield detailed the adjoining properties of this request. Commissioner Collins stated the neighborhood behind includes duplexes. Mr. Wingfield stated the neighborhood includes a mix of duplexes and single-family homes. Commissioner Powers stated the duplexes on Warrior Drive and Cherokee Drive are examples of what can be done on the property. Mr. Wingfield agreed and added duplexes can be sold individually if the lots are subdivided to provide at least half the duplex minimums on each half and the structures meet fire separation requirements. Commissioner Powers stated the residents in the neighborhood are accustomed to duplexes. Commissioner Power read a portion of Mr. Hylton's letter: "I am 78 years old and can picture what I will be up against if its rezoned R-3 multi-family residential use. This is a R-2 Two-Family subdivision. I strongly urge you to deny this request of rezoning to B-3 General Business." Commissioner Powers added he suspects Mr. Hylton did not think he would see apartments adjoining his property when he purchased his property. Commissioner Collins stated he met with Mr. Hylton and he seemed very upset. Commissioner Dorsett indicated she has issue with placing townhomes or apartments in R-1 or R-2 neighborhoods, as this compromises the value of the neighborhood by introducing increased traffic. Commissioner Dorsett stated that you can look at the Park district and see that some of this has occurred.

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. – (continued)

Mr. John Neel addressed the Planning Commission regarding the materials presented. Mr. Neel stated the proffer statement has been edited to require major and minor home occupations to apply for a Conditional Use Permit so impact on the neighborhood can be addressed by public hearing. Mr. Neel added the conditions presented address the setbacks and facades of the buildings. Mr. Neel stated a drawing has been provided showing a view of the elevations. Mr. Neel indicated he would like to comment on Mr. Hylton's letter. Mr. Neel stated he has not read it, but would make the comment that directly across the street is a large B-3 parcel and that should be considered in the development of the property. Mr. Neel added the applicant is meeting the intent of the Comprehensive Plan with residential use.

Commissioner Huppert stated the two driveways are fairly close to each other and there could be concerns of the use of Hylton's driveway. Commissioner Caldwell stated the applicant will not be using the existing driveway. Mr. Neel stated that is correct and the driveway would be moved over slightly. Commissioner Caldwell inquired if the front of the property would be graded to Falling Branch Road level and Mr. Neel stated this was correct.

Commissioner Powers stated the short term expectations for the neighborhood are shown on the zoning map, but longer range expectations are shown on the Future Land Use Map of the Comprehensive Plan. Commissioner Dorsett state she has less issue with zoning it R-3 and risk spot zoning rather than zoning the property to B-3. Commissioner Powers stated the R-3 District allows for 10 units on an acre and this request does not meet the requirement with 9 on .8 acre. Commissioner Huppert stated the property looks like the house has been empty for years. Commissioner Huppert added the place could be picked up a bit and the development would allow for better clientele.

Commissioner Caldwell agreed the request would be cleaning the property up. Commissioner Caldwell added he feels the neighborhood is a transition zone but he has issue with rezoning the property to B-3. Commissioner Caldwell state if the property could be rezoned to R-3 that would make the most sense to him. Mr. Wingfield stated if the property were rezoned to R-3, the applicant would have to apply for a variance for the street frontage for multi-family residential use. Commissioner Powers commented in reading the B-3 regulations, residential use in B-3 would have to meet the R-3 regulations. Mr. Wingfield indicated the request was for a planned housing development and allows for flexibility to the requirements and added that if the property were rezoned to R-3, the applicant could request a planned housing development rather than requesting a variance to the street frontage requirement. Commissioner Collins stated he feels the Town should not be doing something to hurt other citizens. Chairperson Moore added there are some expectations from citizens and anything we do has an impact on one property owner versus another.

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. – (continued)

Commissioner Carter made a motion to recommend that Town Council deny the request. Commissioner Powers seconded the motion which passed 10-0.

Commissioner Carter stated she thought it was a good plan, but was against the Comprehensive Plan. Commissioner Powers added the intensity puts too much on the property because the density is way too high. Commissioner Dorsett inquired if action was needed on the Conditional Use Permit because the Planning Commission made a recommendation on the Mega Builders' Farmview Road, N.E. Conditional Use Permit request. Commissioner Powers stated that was only done because of the tie vote on the rezoning request and it provided Council an option.

Mr. Neel requested if the Planning Commission has any comments on the plan regardless of the zoning, the applicant would like to hear those comments. Chairperson Moore indicated the density is an issue. Commissioner Parsons stated she would be more comfortable with 4-6 units on the property. Mr. Neel stated 4-6 units would not be financially feasible. Commissioner Dorsett stated that she appreciated the focus on stormwater with the proposal.

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. Chairperson Moore inquired if the Planning Commission moves forward with this portion of the request. Commissioner Powers suggested leaving this portion alone and allow the Town Council to vote on the rezoning. If the Town Council approves the rezoning then the Conditional Use Permit would be referred back to the Planning Commission. The Planning Commission was in agreement that if the rezoning were approved by Town Council, they would request the Conditional Use Permit application be referred back to them.

Discussion of Zoning Ordinance overall rewrite.

Chairperson Moore introduced the discussion. Commissioner Powers stated the most recent revisions include parking changes particularly to address some concerns with buildings in the downtown area. Commissioner Powers added 2 uses were looked at including antique stores that requires 1 parking space per 200 square feet now and is proposed to change to 1 parking per 500 square feet. Commissioner Powers stated the second use is furniture stores which the parking requirement is proposed to change from 1 parking space per 300 square feet to 1 parking space per 500 square feet. Commissioner Powers indicated both uses have a lot of display area but little traffic. Commissioner Powers stated basic retail parking was reviewed and is proposed to be a tiered approach based on square footage. Commissioner Powers indicated he would like to formally request a Planning Commission public hearing.

Discussion of Zoning Ordinance overall rewrite – (continued).

Mr. Wingfield stated a definition of antique store has been added. Commissioner Dorsett requested a definition of gallery be included especially if the downtown is being revitalized. Commissioner Dorsett indicated there is not as much traffic for a gallery, similar to antique stores. Mr. Wingfield stated he would consider a gallery as a retail use currently. Commissioner Powers suggested considering this during the public hearing.

Mr. Wingfield stated references to the Americans with Disabilities Act and Code of Virginia requirements for handicapped parking have been included. Chairperson Moore indicated under the parking revision a retail center with 10,000 square feet could have either 32 or 37 parking spaces. Commission Powers indicated the Development Subcommittee will review this. Commissioner Caldwell inquired about shopping centers that have a mixture of uses. Mr. Wingfield stated those have always been considered as shopping centers.

Mr. Wingfield indicated the Engineering Department is reviewing the changes and will be providing comments, but has suggested that the townhouse parking requirements be increased to 2.5 per unit. The Planning Commission agreed that this was an appropriate change. Commissioner Powers indicated staff can advertise the public hearing for the May 7th Planning Commission meeting. Mr. Wingfield indicated that is correct.

Commissioner Powers made a motion to set the public hearing for the Zoning Ordinance rewrite for May 7, 2012. Commissioner Dorsett seconded the motion which passed 10-0.

Other Business.

Mr. Wingfield reminded the Planning Commission members of the upcoming Planning Commissioners Training being held at the New River Valley Planning District. Mr. Wingfield requested the Planning Commissioners to RSVP with staff for the training. Commissioner Powers requested staff arrange a carpool for the event.

Mr. Wingfield invited any Planning Commissioners wishing to participate in the Plan Virginia Planning Commissioner Certificate Program may do so in Roanoke this coming June.

Mr. Wingfield added the next Planning Commission meeting is April 23rd. Mr. Wingfield added he will get a list of all meetings for Planning Commission to them soon. Commissioner Powers indicated he asked Ms. Hair about this matter and she directed Commissioner Powers to the Town's calendar online as she and Ms. Casper have updated that calendar until the end of the year.

There being no more business Chairperson Moore adjourned the meeting at 7:55 p.m.

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