Christiansburg Planning Commission
Minutes of April 23, 2012

Present: Barry Akers
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
David Botos, 625 Walters Drive
Carol Lindstrom, 630 Depot Street, N.E.

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 mad and the public comment period was closed.

Approval of meeting minutes for April 9, 2012.

Chairperson Moore introduced the discussion. Commissioner Dorsett made a motion to approve the April 9, 2012 meeting minutes. Commissioner Collins seconded the motion which passed 9-0.

A Conditional Use Permit request by PR Financing Limited Partnership for a carnival at 100 New River Road (tax parcel 435 – ((A)) – 41) in the B-3 General Business District. The Planning Commission public hearing is set for May 7, 2012 and the Town Council public hearing is set for May 15, 2012.

Chairperson Moore introduced the discussion. Commissioner Dorsett inquired if the carnival is a business venture with the New River Valley Mall and Mr. Wingfield indicated it is. Mr. Wingfield added there have been carnivals in Town throughout the years, all requiring a Conditional Use Permit and the drafted conditions are from the last approved carnival Conditional Use Permit.

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A Conditional Use Permit request by PR Financing Limited Partnership for a carnival at 100 New River Road (tax parcel 435 – ((A)) – 41) in the B-3 General Business District – (continued).

The Planning Commission asked about any issues with carnivals being held in Christiansburg. Mr. Wingfield stated the Health Department has had issues in the past. Commissioner Powers inquired about any necessary licenses for the carnival. Mr. Wingfield stated there is a $25 a day fee for the carnival, a tent permit, a loud speaker permit for $25 a day and sign permits if there is signage advertising the carnival. Commissioner Powers stated he is interested in hearing from the Police Chief about needing additional patrol for the carnival and that expense. Commissioner Sowers felt the carnival or mall may have private security detail. Mr. Wingfield indicated that is possible but he did not know. Mr. Wingfield stated additional inspections would be required for the carnival rides and this is done by a third party certified for the inspections by the State. Commissioner Sowers stated that she thought that was good as it takes the liability off the Town.

Commissioner Huppert expressed concern over condition #12 as he felt midnight is too late for operation. Commissioner Dorsett requested the Town verify the liability insurance amount. Mr. Wingfield stated the Planning Commission can set an amount but he will find out from applicant what their insurance is.

Ms. Lindstrom inquired if a carnival has been held at the New River Valley Mall before and Mr. Wingfield indicated that is correct. Ms. Lindstrom inquired what the proximity of the carnival will be to the closest residence. Mr. Wingfield stated the closest residence would be the Villas at Peppers Ferry which is hundreds of feet away. Commissioner Parsons added the mall separates the residences from the carnival because of its location on the southeastern portion of the property.

Chairperson read the 11 drafted conditions:

1. A bond in the amount of $500.00 shall be posted prior to final issuance of this CUP to insure adequate cleanup.
2. The carnival shall contact the Montgomery County Health Department for all necessary permits.
3. The carnival shall contact the Town Superintendent of Public Works in regards to water connections for any recreational vehicles, campers, vending areas, etc. A water meter deposit shall be required of the carnival and shall be applied toward usage.
4. The carnival shall provide portable toilets for its patrons and shall provide holding tanks for septic on all recreational vehicles, campers, vending areas, etc. All holding tank materials shall be properly disposed of.
5. All sanitary and water connections shall be inspected by the Town prior to use and be maintained in a healthy and sanitary manner.
6. The carnival shall provide the Town with a list of all amusement devices including name of ride, manufacturer, and year manufactured.

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A Conditional Use Permit request by PR Financing Limited Partnership for a carnival at 100 New River Road (tax parcel 435 – ((A)) – 41) in the B-3 General Business District – (continued).

7. A certificate of inspection for all amusement devices is to be issued by a person certified by the Commonwealth of Virginia to perform inspections of amusement devices prior to opening of the carnival.
8. Efforts shall be made to have all inspection conducted during regular Town office hours (Monday – Friday, 8:00 a.m. – 5:00 p.m.). The carnival shall reimburse the Town of Christiansburg for overtime pay for all inspections made after Town office hours.
9. A permit shall be obtained for each tent and a certificate of fire resistance for each tent shall be provided to the Christiansburg Fire Marshall prior to opening.
10. Proof of financial responsibility in the minimum amount of $300,000.00 per occurrence along with a statement indemnifying the Town of Christiansburg from any liability shall be provided to the Town prior to opening.
11. The carnival operators shall be responsible for disposal of all animal droppings and these shall not be disposed of in dumpsters provided by the Town.
12. The carnival shall not operate beyond 12:00 midnight.

Commissioner Dorsett inquired if the New River Valley Mall uses Town dumpsters. Mr. Wingfield stated he believed they used a private contract for garbage collection. Commissioner Dorsett noted condition 11 allows the carnival to dump in those private dumpsters. Mr. Wingfield stated that condition can be edited. Commissioner Huppert requested staff ask Chief Sisson about the hours of closing and if the Police Chief had any issues. Commissioner Powers requested the bond for cleanup be increased to $5,000. Chairperson Moore agrees with that change. Commissioner Carter inquired what has been used in the past. Mr. Wingfield stated $500.00 has been used in the past. Commissioner Powers commented if additional time is required by the Police Department that should be charged to the applicant. Ms. Lindstrom suggested staff ask Roanoke or somewhere similar what they use for a bond.

Commissioner Dorsett commented she would like to see an addition to the condition regarding portable toilets and that they be maintained. Commissioner Akers suggested the portable toilets be cleaned daily. Chairperson Moore suggested the portable toilets be cleaned more frequently as required by the Virginia Department of Health standards. Chairperson Moore inquired if the disposable of animal waste to sanitary sewers is a violation. Mr. Wingfield stated he does not necessarily know but would think it would be a violation. Chairperson Moore suggested including sanitary sewers and storm water systems in item #11. Commissioner Dorset suggested the condition add proper disposal of animal droppings. Chairperson Moore suggested the condition include proper disposal of animal droppings, including not in dumpsters, sanitary sewers or storm water systems. Mr. Wingfield read back the revised condition: “The carnival operators shall be responsible for disposal of all animal droppings and these shall not be disposed of in dumpsters, sanitary sewers or storm water systems.”

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A Conditional Use Permit request by PR Financing Limited Partnership for a carnival at 100 New River Road (tax parcel 435 – ((A)) – 41) in the B-3 General Business District – (continued).

Commissioner Powers indicated he noticed in the scheduling of the public hearings that the Planning Commission and Town Council meetings are a week apart. Mr. Wingfield stated the intent is to have the Planning Commission make a recommendation at the May 7th public hearing as the timeframe is constrained.

Commissioner Huppert inquired if the Rescue Squad be on hand or would the carnival provide first aid service. Mr. Wingfield stated the Rescue Squad would show up if needed. Ms. Lindstrom suggested staff check in to that as it may be required and said that they could make a donation if the service is provided.

A Conditional Use Permit request by David Botos for a major home occupation (powder coating) at 625 Walters Drive (tax parcel 404 – ((3)) – 51) in the R-1 Single-Family Residential District. The Planning Commission public hearing is set for May 7, 2012 and the Town Council public hearing is set for June 5, 2012.

Chairperson Moore introduced the request. Commissioner Huppert asked what powder coating is. Commissioner Powers stated there is a description and diagram provided in the Planning Commission packet. Mr. Botos stated it is painting without using a solvent and done by a static charge. Mr. Botos stated that a binder is used with the pigment and that an electrode provides a charge before it is heat cured to finish the process. Commissioner Huppert inquired if there is smoke from the process. Mr. Botos indicated there is no smoke involved. Commissioner Dorsett inquired if there are any additional employees. Mr. Botos stated it would just be himself. Commissioner Dorsett inquired about customers coming to the property. Mr. Botos felt it would be very unlikely that multiple customers would be at the property at one time. Mr. Wingfield stated that the Town considers group visitation as three or more persons at a time.

Commissioner Powers inquired how long Mr. Botos has been doing powder coating. Mr. Botos stated he has been doing this since 2009, which he has done mainly as hobby and for a few friends and co-workers. Commissioner Dorsett inquired if Mr. Botos has spoken to the neighbors. Mr. Botos indicated he has spoken with some of his neighbors. Commissioner Akers inquired if the air compressor is inside or outside. Mr. Botos stated it is in the garage.

Commissioner Collins asked Mr. Botos why he felt the Planning Commission should approve the request. Mr. Botos said he felt the operation is low impact and has little effect on the neighborhood. Commissioner Powers inquired if there are separate electric meters on the property. Mr. Botos stated there is only one meter on the property. Commissioner Huppert inquired if the work would be done inside the garage. Mr. Botos stated that is correct and added a dust collector is set up. Commissioner Powers inquired what pretreatment may be done and Mr. Botos said just a rinse which is alcohol based and evaporates. Commissioner Powers inquired if there have been any electrical issues. Mr. Botos stated there are none that he has been made aware of.

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A Conditional Use Permit request by David Botos for a major home occupation (powder coating) at 625 Walters Drive (tax parcel 404 – ((3)) – 51) in the R-1 Single-Family Residential District – (continued).

Chairperson Moore read the drafted conditions:

1. All operations are to within the scope of the presented "Scope of Powder coating Operations" prepared by David Botos dated 4-6-12.
2. The property is to be maintained in a clean, sanitary, and sightly manner.
3. This permit is for a powder coating operation, not a mechanical garage and not a body shop or for conducting bodywork.
4. All equipment, parts, and materials for the powder coating operation are to be kept inside the garage or a fully enclosed building (including a roof).
5. All waste products and chemicals are to be disposed of properly and are not to accumulate upon the premises.
6. There are to be no loud offensive noises so as to constitute a nuisance to the residential properties in the vicinity.
7. 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.
8. This permit is subject to inspections and approval of the facilities by the Fire Marshall and Building Official.

Commissioner Dorsett commented that the condition regarding noise does not reference the operational hours and she assumes the Planning Commission does not want customers coming to the property when families are walking in the neighborhood. Mr. Wingfield stated the Planning Commission can limit the time customers are allowed to come to the property. Commissioner Sowers inquired how often customers would come to drop off and pick up materials. Mr. Botos stated customers would come every few days. Commissioner Sowers inquired where Mr. Botos saw himself in a year. Mr. Botos stated as the business grows he would want to move into a shop.

Ms. Lindstrom inquired what size parts would be processed. Mr. Botos stated he has two ovens with the smaller one being 3 feet by 2 feet by 2 feet and the larger one being 3 feet by 3 feet by 5 feet... Ms. Lindstrom inquired how many pieces would be processed at a time. Mr. Botos stated customers would be bringing in multiple pieces, but that the number of pieces would be limited by color that is being used. Commissioner Powers inquired where the garage is located. Mr. Botos stated the garage is under the house.

Chairperson Moore inquired how the sand would be disposed of. Mr. Botos stated the sand is recycled in the blaster and any particulate is disposed of in a bag. Chairperson Moore inquired how much particulate is disposed of and Mr. Botos stated it is less than a handful. Commissioner Powers inquired what would be sent in the trash and Mr. Botos stated it is sand and dust. Commissioner Powers inquired how the equipment is cleaned. Mr. Botos stated the sand blaster is cleaned out by the dust collector and wiped down and the oven is just wiped down. Mr. Botos added the powder coating gun is cleaned by compressed air.

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A Conditional Use Permit request by David Botos for a major home occupation (powder coating) at 625 Walters Drive (tax parcel 404 – ((3)) – 51) in the R-1 Single-Family Residential District – (continued).

Commissioner Huppert asked where Mr. Botos is operating now. Mr. Botos stated he is operating out of his garage. Commissioner Powers stated the Planning Commission wants Mr. Botos to be successful but the more successful he becomes, his home would be less desirable as a location to operate.

Ms. Lindstrom suggested the Planning Commission set the number of customers at a given time. Commissioner Dorsett added she wants to limit the hours for drop off and pick up. Chairperson Moore inquired when Mr. Botos would have customers pick up and drop off materials. Mr. Botos felt evenings and weekends would be most likely. Ms. Lindstrom inquired how close is the nearest public schools. Commissioners Sowers indicated a drop off or pick up time after 9:00 a.m. is not an issue with schools. Commissioner Dorsett stated her concern is in the evenings when families would be walking after 5:00 p.m.

Mr. Wingfield stated a major reason the Town decided to require a CUP is because of the industrial nature of the process. Mr. Wingfield stated the materials are considered a mutant in particulate state and can cause birth defects. Mr. Wingfield added if it is baked it can be tossed in the trash.

Chairperson Moore stated he would prefer to keep pick up and drop off times until 7:00 p.m. Chairperson Moore suggested public visitations from 9 a.m. to 7 p.m. and asked if Mr. Botos would be okay with that condition. Mr. Botos stated that will be okay. Chairperson Moore requested an additional condition be added: “There shall only be customer visitation between 9:00 a.m. and 7:00 p.m.”

Ms. Lindstrom inquired if Mr. Botos is aware of federal guidelines for carcinogenic hazards. Mr. Botos stated TGIC (triglycidyl isocyanurate) in its pure form and in large amounts is unsafe. Mr. Botos indicated he would not have this much. Chairperson Moore stated a condition should be added to require that the permit shall be reviewed annually.

Commissioner Sowers inquired if the spray gun is in an enclosed area. Mr. Botos stated it is in a spray booth. Commissioner Powers inquired if there are ever cases of spontaneous combustion. Mr. Botos stated it would be difficult to reach the explosive limit. Commissioner Powers requested the fire inspector look at this before the public hearing. Commissioner Sowers inquired if the Planning Commission may want to limit the square footage of the operation. Commissioner Powers suggested limiting the number of customers coming to the property. Commissioner Dorsett stated that would be difficult to track. Mr. Wingfield stated the first condition limits the size of the operation to the current scope of his operation. Mr. Botos indicated he is at capacity now and would need to relocate if the business grows.

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Discussion of Zoning Ordinance overall rewrite.

Chairperson Moore introduced the discussion. Mr. Wingfield stated the rewrite was not printed for the Planning Commission packet due to the size. Mr. Wingfield stated the only change that was made since the last printout is the parking requirement for townhomes which has increased to 2.5 spaces per unit.

Commissioner Powers requested the staff send digital copies to private engineering companies.

Other Business.

Mr. Wingfield reminded the Planning Commission the PDC training is May 23rd. Mr. Wingfield requested anyone wishing to attend to please let staff know. Mr. Wingfield reminded the Planning Commission the Plan Virginia course is available this summer.

Commissioner Powers stated the Development Subcommittee will be meeting Wednesday at 9:00 a.m.

There being no more business Chairperson Moore adjourned the meeting at 8:00 p.m.

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

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