Christiansburg Planning Commission
Minutes of August 27, 2012

Present: Ann H. Carter
Harry Collins
M. H. Dorsett, AICP
Steve Huppert
Craig Moore, Chairperson
Ashley Parsons
Joe Powers, Vice-Chairperson
Jennifer D. Sowers
Nichole Hair, Secretary Non-Voting

Absent: Barry Akers

Staff/Visitors: Kali Casper, staff
Gary Cope, 414 Miller Street

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. Mr. Gary Cope of 414 Miller Street noted he previously came to speak about the horses at the end of Miller Street. Since the last meeting, there are now five horses on the property. He added the manure bags are stacked along the fence and the fence has been extended. He has researched zoning requirements for Montgomery County in R-1 and R-2 and the County requires five acre lots to keep horses. Mr. Cope added Montgomery County allows two horses per 5 acres (or ponies) with a maximum of 4 horses per 10 acres. Mr. Cope is not sure what is allowed within the sixty day grace period, but there has been a complete disregard for the wishes of any of the neighbors. Some of the neighbors do not want to sign anything because they do not feel safe but with the addition of new horses they are willing to sign. Mr. Cope added it is possible to make a case for two horses but five is too many. Mr. Cope stated he and his wife moved to an area that is residential and the Town has an obligation to uphold this requirement. Commissioner Powers asked Commissioner Huppert about Town Council being contacted. Commissioner Huppert noted he was at Miller Street last week and asked about people being willing to sign a statement. Mr. Cope responded people are willing to call but they do not want to sign anything that is public record, which the Walkers' could access. He added that some neighbors have already signed against the horses. Commissioner Huppert noted the issues of horses would also be discussed at the Town Council meeting. Ms. Hair stated September 10 is the Planning Commission public hearing and it would go to Town Council two to four weeks after that. Mr. Cope stated the grace period is sixty days which would run out at the end of the month. Commissioner Huppert suggested that Mr. Cope be aware of the next Town Council meeting date.

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Public Comment – (continued).

Ms. Hair responded the Town Council date depends on the Planning Commission process and repeated the Planning Commission public hearing will be held September 10th. Ms. Hair added that a recommendation would be made two weeks following the public hearing unless the Planning Commission wanted to take action that night. She continued that it would take two weeks following the recommendation to advertise for Town Council. Ms. Hair noted that Mr. Cope is welcome to attend Town Council at any point to address this issue. Chairperson Moore added that the grace period seemed to have some leeway based on the Planning Commission process. Commissioner Carter noted Town Council could extend the grace period if they desired. Commissioner Dorsett asked if staff has recently visited the property. Ms. Hair stated she has not been back to the property since the addition of the extra horses. Ms. Hair added the property was checked for the fence when the fence permit was applied for. She stated that with two horses, the site appeared in acceptable condition but is not sure with the additional horses. She added staff will return to the site and take photos and investigate the situation. Commissioner Collins asked about the size of the lot. Mr. Cope responded 0.45 acres. Ms. Hair confirmed just shy of half an acre. Mr. Cope added there is a house and driveway on the 0.45 acres as well. Chairperson Moore closed the public comment session.

Approval of meeting minutes for August 13, 2012.

Chairperson Moore introduced the discussion. Commissioner Dorsett made a motion to approve the August 13, 2012 meeting minutes. Commissioner Sowers seconded the motion which passed 6-0 with Chairperson Moore and Commissioner Collins abstaining.

Discussion of proposed changes to Chapter 28 “Subdivisions” and Chapter 30 “Zoning” of the Christiansburg Town Code in regards to amateur radio antennas and communication structures, planned housing developments, and traffic impact analysis requirements.

Chairperson Moore introduced the discussion. Ms. Hair noted the change in parking requirements to a 16’ X 18’ area for single family homes to ensure two non-stacked spaces and two-family homes will keep the same requirement of two per dwelling unit. Commissioner Powers stated this recommendation came from staff. Ms. Hair confirmed this and noted there have been some issues with developers not meeting the minimum in Town Code for driveway areas and from citizen complaints of having to stack parking or park on the street. Commissioner Powers noted that this does not really change the requirement but rather clarifies it. Chairperson Moore stated it makes it easier to enforce and understand. Ms. Hair responded yes.

Ms. Hair noted the change to amateur radio tower requirements with the addition of stealth appearance and changed wording for licensed professional to include surveyor, engineer, or other professional.

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Discussion of proposed changes to Chapter 28 "Subdivisions" and Chapter 30 "Zoning" of the Christiansburg Town Code in regards to amateur radio antennas and communication structures, planned housing developments, and traffic impact analysis requirements – (continued).

She added the setback requirement has been changed to state tower guys and wires must meet the minimum district setback but the tower setback must be one foot for every foot in height.

Chairperson Moore noted the previous concern of cost for a licensed professional and asked what structural calculations are being looked at by the building official. Ms. Hair noted footers should be structurally designed as they would be for a sign permit. She added footer drawings are required for signage. Chairperson Moore noted other professionals could do site drawing but structural design for footer would need to be done by a professional engineer. Ms. Hair added that footer drawings may be available from the companies. Commissioner Powers stated the requirement for footers is already in the building code and the only requirement being added is the site plan to assist with setbacks.

Ms. Hair noted changes to urban agriculture which will incorporate horses into the R-1 and R-2 districts. She highlighted the change which allows 1 horse per 4,000 square feet of pasture with 10 foot setback from all property lines and no closer to the street right-of-way than the primary dwelling. Ms. Hair noted Mr. Walker does not agree with the setback requirement and would like to see either a 5 foot setback or allowing for waivers from neighbors to allow the fenced pasture up to the adjoining property line. Ms. Hair noted this may be due to the fact that his fence is already built and would have to be moved if the requirements were approved. Commissioner Dorsett asked if ponies, pygmy horses and other subsets of horse are included in this. Ms. Hair responded that it is not broken out, just one horse. Commissioner Dorsett asked if the Town has had anything about little goats. Ms. Hair responded that pygmy goats are considered a domesticated animal but require a Conditional Use Permit in the residential districts. She added this requires a zoning permit which is enforced by the Planning and Zoning Department. Commissioner Dorsett asked if pygmy horses would be covered under horse. Ms. Hair responded yes and they would be required to submit a packet with a site drawing showing location of pasture, setbacks, waste management plan, where feed and bedding will be stored so they will not become hazardous to the neighbors. Commissioner Collins asked why Mr. Walker thought they could have horses at this location. Ms. Hair noted that previously the neighborhood had horses even so they were under the impression horses were allowed and did not ask the Town. Ms. Hair noted the three new horses are rescued horses and will be moved. Commissioner Parsons asked if they will continue to rescue horses. Ms. Hair responded she would ask that as well. Commissioner Carter noted that his mother previously had horses and if she had continued, these horses would have been grandfathered in. Commissioner Powers responded that one horse would have been grandfathered. Commissioner Carter added that they did not check with the Town and they should have but they did assume for that reason.

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Discussion of proposed changes to Chapter 28 "Subdivisions" and Chapter 30 "Zoning" of the Christiansburg Town Code in regards to amateur radio antennas and communication structures, planned housing developments, and traffic impact analysis requirements – (continued).

Commissioner Carter asked about the fence setback and added that it would require putting an additional fence 10 feet inward. Ms. Hair noted you could have one fence 10 feet off the property line. Ms. Hair stated during the Development Subcommittee meeting it was considered horses could reach onto neighboring properties over a fence and take plants or vegetation. Commissioner Dorsett added runoff is also a consideration for fencing setback. Commissioner Carter responded she is noting that this is a different setback for fencing than used elsewhere in Town Code. Chairperson Moore asked about which Zoning Districts this would apply to. Ms. Hair stated R-1 and R-2. Chairperson Moore asked about a limit on the total number of horses. Ms. Hair noted that there is a limit in the next section.

Commissioner Parsons asked how many acres is 4,000 square feet. Commissioner Dorsett responded that it is roughly 1/10th of an acre. Commissioner Parsons noted the requirement is very different than Montgomery County and asked about reasoning for this choice. Ms. Hair stated this was proposed previously with the last urban agriculture update. She added that Roanoke City allows horses, 1 per 2 acres and that Blacksburg does not allow horses. Commissioner Parsons asked if there will be a cap on the total number of horses. Ms. Hair stated that it has not been drafted but it can be added after the public hearing. Commissioner Parsons stated under the current draft, residents could have 4 horses. Ms. Hair responded 4 per acre. Commissioner Huppert asked why Montgomery County's standard was not used. Commissioner Powers responded that it could be done but then this property would be specifically excluded. Commissioner Sowers noted it is only the pasture area that is included in the 4,000 square feet.

Commissioner Collins asked about Montgomery County standards. Ms. Hair responded it is 2 horses per 5 acres with a maximum of 4 horses per 10 acres. Commissioner Powers noted that is for residential areas and that most of the County is zoned as Agriculture. He added many of the lots are 5 acres and specifically this addressed Woodland Hills which has 5 acre lots.

Commissioner Parsons asked about limitations in the Agriculture and R-1A districts. Ms. Hair noted that currently those districts do not have limitations on the number of horses but have drafted the standard of 1 horse per 4,000 square feet of enclosed pasture with existing horses being grandfathered in. Commissioner Parsons suggested a difference in allowable number for different zones particularly with tighter density. Chairperson Moore suggested 1 horse per 4,000 square feet with a maximum of 2 horses per 1 acre. Commissioner Collins asked how properties would be grandfathered. Ms. Hair responded she is aware of one property on Gobbler Spur with horses but there are more, not many though. Commissioner Collins asked if people who have acquired horses without permission are grandfathered.

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Discussion of proposed changes to Chapter 28 "Subdivisions" and Chapter 30 "Zoning" of the Christiansburg Town Code in regards to amateur radio antennas and communication structures, planned housing developments, and traffic impact analysis requirements – (continued).

Ms. Hair responded no and she is not aware of any other locations with that situation. She added the Town was aware of Mr. Walker's horses as soon as they arrived and he is not grandfathered. Commissioner Powers asked how long ago his mother had horses on the property. Ms. Hair responded more than two years.

Commissioner Parsons asked about where the 1 horse per 4,000 square feet standard came from. Ms. Hair responded it was discussed with the previous urban agriculture revision. Commissioner Parsons suggested a different standard of space for horses than bees or chickens. Chairperson Moore responded that was when the research was done on horses. Ms. Hair asked if Planning Commission wants a two horse cap per property. Commissioner Parsons and Chairperson Moore indicated yes. Commissioner Carter asked about larger lots being allowed more horses. Commissioner Powers asked about what areas of Town are R-1 and R-2 districts with larger lots. Commissioner Dorsett stated 4,000 square feet seems small. Commissioner Parsons agreed. Commissioner Dorsett used an example to show that the lot size is not big enough to keep horses. Commissioner Dorsett requested changing the minimum to 10,000 square feet. Commissioner Collins asked about capping it at 2 horses per 1 acre. Chairperson Moore asked about 2 horses per 1 acre or 2 horses per property. Commissioner Parsons indicated 2 horses per property. Commissioner Carter noted an issue with 2 horses per property because it does not define the acreage. Commissioner Powers responded 2 horses per acre will usually result in 2 horses per property in practice. Ms. Hair stated most R-1 lots are 10,000 square feet for development. Commissioner Dorsett indicated some lots in the Park District might be large enough for horses. Chairperson Moore noted rescued horses may not need as much space.

Chairperson Moore stated the Planning Commission would like to consider 1 horse per 10,000 square feet and no more than 2 horses per 1 acre. Commissioner Sowers asked about banning horses Town wide instead since almost all parcels in R-1 and R-2 will be excluded with the size requirement. She added some parcels would be grandfathered. Commissioner Carter agreed. Commissioner Sowers added this would prevent future attempts to have horses in Town. Commissioner Collins stated when residents buy houses in R-1, they expect a neighborhood not a farm. Commissioner Sowers suggested banning horses and being done with the issue. Commissioner Collins suggested it would be easier to do so and easier on staff. Commissioner Powers suggested the issue should be taken to public hearing. Commissioner Huppert noted a ban would be clear cut. Commissioner Parsons asked whether horses would be allowed in Agriculture and R-1A. Ms. Hair indicated those districts would not be affected. Commissioner Parsons noted horses would still be allowed in some locations. Commissioner Dorsett asked about pygmy horses since a neighbor would like to have one. Ms. Hair explained the allowance of pygmy goats required a Code change; one location in Town does have pygmy goats. Commissioner Dorsett suggested treating pygmy horses the same as pygmy goats.

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Discussion of proposed changes to Chapter 28 "Subdivisions" and Chapter 30 "Zoning" of the Christiansburg Town Code in regards to amateur radio antennas and communication structures, planned housing developments, and traffic impact analysis requirements – (continued).

Chairperson Moore clarified originally there was a ban on all goats and a Code change was requested to allow pygmy goats. Ms. Hair confirmed it. Chairperson Moore asked if Planning Commission would like to allow pygmy horses. Commissioner Dorsett responded that she recommended the neighbor speak with the Planning Department first. Chairperson Moore stated all horses would be prohibited in Town with the exception of in the Agriculture and R-1A districts. Commissioner Powers added the Planning Commission could recommend including all types of horses so staff could refer to it in the future.

Commissioner Carter suggested considering the issue since Council did allow for a grace period. Commissioner Powers suggested adjusting the draft after the public hearing. Commissioner Huppert stated Town Council does not want to string this along forever. Chairperson Moore asked if this should be modified prior to public hearing. Commissioner Parsons responded she wants to see no horses be allowed except for R-1A and Agriculture districts. Commissioner Powers noted if all the language is removed prior to public hearing, it only allows for one choice. Ms. Hair suggested leaving it as is and then make changes after public hearing since it has been advertised. Commissioner Powers noted the horses can be separated from the telecommunications and the traffic impact analysis. Ms. Hair noted a motion after the public hearing could be made to recommend certain changes.

Commissioner Dorsett stated that the square footage needs to be changed from 4,000 to 10,000. Commissioner Collins asked about changing it to zero instead. Commissioner Dorsett responded that changing it to zero does not allow for a choice. Commissioner Carter suggested revising to 1 horse per 8,000 square feet or 2 horses per acre. Commissioner Dorsett suggested revising the acreage in case Town Council would like to move forward. Commissioner Powers repeated Commissioner Carter's suggestion for revision. Chairperson Moore suggested there be an option on horses at the public hearing. He added that revisions can be made after the public hearing. Commissioner Huppert asked if this is teasing the public. Commissioner Moore responded no unless you have a preconceived notion of how you will vote. He added the public hearing can change your vote. Commissioner Carter stated it is not fair to vote before the public hearing. Commissioner Collins asked about whether Blacksburg has had issues with horses.

Commissioner Dorsett responded Blacksburg does not allow horses. Ms. Hair responded she is not aware of any issues and recalls Radford City has had issues with chickens and goats. Commissioner Collins asked whether Radford allows horses. Ms. Hair responded she is not sure but they do allow chicken and goats with a recent urban agriculture ordinance. Commissioner Sowers noted Radford has very small lot sizes so houses are generally situated on 3 or 4 lots.

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Discussion of proposed changes to Chapter 28 "Subdivisions" and Chapter 30 "Zoning" of the Christiansburg Town Code in regards to amateur radio antennas and communication structures, planned housing developments, and traffic impact analysis requirements – (continued).

Chairperson Moore asked about revising to 1 horse per 8,000 square feet with a max of 2 horses per 1 acre.

Ms. Hair noted the next revision is for R-1A to allow 1 horse per 4,000 square feet for enclosures and will also change it to 1 horse per 8,000 square feet. Chairperson Moore suggested allowing more horses in an agricultural zone, possibly 3 per acre. Commissioner Parsons agreed there should be some difference. Commissioner Powers asked about locations of R-1A. Commissioner Sowers stated there is R-1A on Gobbler Spur, Diamond Pointe, and a little portion off of Peppers Ferry Road. Ms. Hair noted Stafford Drive does have horses. Commissioner Sowers added at least one location in Diamond Pointe has horses. Ms. Hair asked about size requirements for fenced pasture area in the R-1A district. Commissioner Dorsett asked if a limit is necessary for R-1A. Commissioner Powers responded that a maximum density is good. Chairperson Moore asked about 8,000 square feet for enclosures. Commissioner Dorsett stated a 4,000 square foot enclosure would allow for 16 horses on 4 acres. Commissioner Powers noted under current regulations, a person could have 100 horses on a 4 acre lot. Commissioner Dorsett asked if that would fall under the intensive agriculture listing. Chairperson Moore asked about enclosures of 8,000 square feet and stated leave as 4,000 square feet until public hearing. He asked if the area is total property area or enclosure area. Ms. Hair stated the requirement would address fenced pasture. Commissioner Collins asked about Mr. Walker's property. Ms. Hair stated possibly one horse on the property. Commissioner Parsons stated there will still be a zoning permit with enforcement. Ms. Hair added the setbacks for the fenced pasture would have to be met.

Ms. Hair will see about making changes since the revisions have already been advertised. Chairperson Moore stated the changes can be made after the public hearing. He asked about breaking out portions of the revisions for easier motions. Ms. Hair noted it was advertised as one ordinance. Commissioner Powers suggested breaking one ordinance down into multiple resolutions. He added it would be helpful to have sections divided. Commissioner Dorsett asked about suggested motion phrasing. Commissioner Powers asked about the possibility of voting the same night as the public hearing. Ms. Hair responded that it could be done. Chairperson Moore suggested that Planning Commission come prepared to vote unless someone recommends tabling the issue. Commissioner Powers asked if Commissioner Carter is comfortable with that plan. Commissioner Carter stated it will depend on the public hearing but is willing to consider voting the same night. Chairperson Moore stated the subcommittee meetings allows for more information to be presented to full planning commission.

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Discussion of proposed changes to Chapter 28 "Subdivisions" and Chapter 30 "Zoning" of the Christiansburg Town Code in regards to amateur radio antennas and communication structures, planned housing developments, and traffic impact analysis requirements – (continued).

Commissioner Dorsett asked about possibility of slideshow with picture of the specific property that the request has stemmed from. Chairperson Moore noted the ordinance will apply to the whole Town. Ms. Hair will bring an update on the specific situation at the property for the grace period. Chairperson Moore asked about information for how many R-1A lots and what size within Town. Ms. Hair responded yes. Commissioner Dorsett rescinded her request.

Commissioner Collins stated 1 horse per 8,000 square feet or 2 horses per acre may open the door to other requests whereas zero allowance solves the problem. Chairperson Moore noted the current Code right now it is zero. Commissioner Carter noted the process is the same for chickens where Planning commission listened and then voted. Commissioner Parsons stated there is a difference between doing and then asking versus asking, getting approval, and then doing. Commissioner Carter responded that the Walkers moved here and the mother told them it was allowed and that they were not blatantly disobeying the rules. Commissioner Parsons stated that she does not want the planning commission to look as though it can be bullied into approving anything. Commissioner Carter agreed she does not want to make up mind prior to public hearing because that was a perceived problem in the past. Chairperson Moore noted originally chickens were brought up in the same manner and followed a specific process in evaluation. Commissioner Sowers noted the decision is not quick and the issue has been studied for weeks. She added hopefully the public would be aware of the process. Commissioner Carter stated that is why she does not want to vote prior to the public hearing. Commissioner Dorsett added the Planning Commission is not allowed to vote prior to the public hearing.

Other Business.

Commissioner Parsons stated she finished the Commissioner Certification Program on Friday. She added the Planning Commission operates under Robert's Rules for conducting these meetings but noted that within Robert's Rules, small groups have different rules. She noted with small groups, a second is not required, motions cannot die and only one person has to propose an idea to vote on it. Chairperson Moore asked if this referred to the subcommittees. Commissioner Parsons responded that a small group can have 11 to 21 people so the Planning Commission falls under that category. Commissioner Powers noted the Planning Commission adopted bylaws that include quorum size and how to pass a motion. He added the bylaws take precedent over Robert's Rules. Commissioner Dorsett noted the public perception is that there will be first and second for motions and doing away with the process can be a problem. Commissioner Parsons stated she wanted to share the issue since the Planning Commission has had motions die. Commissioner Carter noted the Planning Commission has bylaws and officially Robert's Rules of Order have not been adopted.

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There being no more business Chairperson Moore adjourned the meeting at 7:54 p.m.

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Craig Moore, Chairperson Nichole Hair, Secretary Non-Voting

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