Christiansburg Planning Commission
Minutes of September 24, 2012

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

Absent: Steve Huppert

Staff/Visitors: Kali Casper, staff
Missy Martin, staff
Trula Tuck

Chairperson Moore called the meeting to order at 7:00 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. Ms. Martin noted her presence as a staff member. Ms. Hair introduced Ms. Martin as Planner I. Chairperson Moore closed the floor for public comment.

Approval of meeting minutes for September 10, 2012.

Chairperson Moore introduced the discussion. Chairperson Moore stated there is a correction for page 13 of the minutes. He clarified the statement should be if the tower was less than 35 feet total and collapsible. Commissioner Dorsett made a motion to make the correction. Commission Carter seconded the motion. Chairperson Moore asked if the motion was to correct and approve the minutes. Commissioner Dorsett indicated she could not make the motion to approve the minutes since she was not present at the meeting. Commissioner Carter withdrew her second and made a motion to approve the September 10, 2012 Planning Commission meeting minutes with correction. Commissioner Dorsett withdrew her motion. Commissioner Sowers seconded the motion which passed 5-0 with Commissioner Powers and Commissioner Dorsett abstaining.

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Chairperson Moore introduced the discussion. Ms. Hair noted the intent of the applicant is parking for the building in front on 114. Chairperson Moore clarified this is the public hearing. Ms. Hair indicated yes. Commissioner Carter noted that no one is here. Commission Dorsett asked if conditions could be required to screen the back of the lot. Ms. Hair indicated that those items could be proffered but not conditioned. Commissioner Carter indicated it is a rezoning request. Chairperson Moore asked for public comments. No public comments were made. Chairperson Moore closed the public hearing. Commissioner Carter noted it is a rezoning request. Commissioner Dorsett asked about putting a parking lot in residential. Ms. Hair indicated no and the applicant may want to consider vacating the lot lines in the future. Ms. Hair added the applicant does not currently have a tenant on the business portion and may not want to limit herself at this point. Commissioner Dorsett noted it would be nice if the applicant proffered screening to be nice to her neighbors. Commissioner Collins stated if it is not important enough for anyone to attend, he believes that says a whole lot.

Commissioner Carter is concerned the applicant is asking for a rezoning and that it is not scheduled as business in future although there is business in front of it. Commissioner Sowers noted there is business directly across from it. Ms. Hair noted the lot next to it is zoned residential but the lot across the street is zoned business. Commissioner Sowers noted if you drew a line straight across the street from this property, it would be business across Somerset Street. Commissioner Carter asked what is there. Commissioner Sowers noted Domino's, Merchant's Tire, Weight Watchers. Chairperson Moore added Velocity Carilion Care. Commissioner Powers asked about the aerial photograph to show what is there. Commissioner Dorsett asked if there is parking behind Merchant's. Commissioner Sowers indicated yes. Commissioner Dorsett indicated it would be the same use as directly across the street. Commissioner Sowers added it would not go back as far as what is on the right.

Commissioner Powers stated his main concern is that under the Comprehensive Plan, it is planned for residential. Commissioner Powers added on the large map, there is a notch cut in that remains residential instead of mixed use. Commissioner Powers asked if the Comprehensive Plan map is included in the staff analysis. Ms. Hair indicated the Future Land Use map is not included there. Commissioner Powers noted it was likely scheduled as residential because the lots are all part of a subdivision that is originally residential. Commissioner Dorsett asked about likelihood of residential development on this lot with the proximity to Route 114. Commissioner Dorsett stated a parking lot would create a buffer zone between the residential and commercial properties without putting in a commercial property. She added residential development is unlikely except for an extension of townhouses.

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Commissioner Powers stated the property is not zoned for townhouses. Commissioner Powers asked if at some point the townhouses were rezoned to R-3. Commissioner Carter stated it is a request for B-3. Commissioner Dorsett asked how old the subdivision is. Commissioner Sowers responded 1980s. Commissioner Powers added it is La Plateau Subdivision and it was annexed from the County. Commissioner Powers asked about covenants or deed restrictions that apply. Ms. Hair responded she is unaware of any.

Chairperson Moore asked about Planning Commission considering the request if it was somewhat limited by the applicant with more details. Planning Commission consensus is yes. Commissioner Collins asked if the applicant can be held to a proposal. Chairperson Moore responded not unless they proffer it. Commissioner Collins asked if they can come back later and do something else once it is rezoned. Chairperson Moore indicated the proffers would stand. Commissioner Carter stated that would be fine but she is disappointed the applicant is not at the public hearing.

Commissioner Powers asked about proffers concerning buffering from residential properties on two sides that have been developed residential. Commissioner Powers asked how close paving could be to property lines with current parking requirements. Chairperson Moore suggested two feet. Ms. Hair indicated it can be right up to property lines. Commissioner Carter agreed. Commissioner Powers noted with the exception of landscaping, the applicant could pave up to the property lines. Ms. Hair added the setback is 15 feet from streets. Commissioner Powers asked about setbacks from side and rear property lines. Ms. Hair stated no setbacks for parking, for buildings the setback is 20 feet from residential zoning.

Chairperson Moore noted the Planning Commission is interested in screening, how close they might pave, and what uses they are willing to limit this to. Commissioner Powers added he wants to review stormwater detention; parking lots have runoff and how that runoff would be accommodated needs to be addressed. Commissioner Dorsett stated it is a downward slope and proffers need to be made to address stormwater. Commissioner Powers asked about where the stormwater will be dumped. Commissioner Dorsett responded that bio-retention could be done as infiltration. Commissioner Powers stated they would like it buffered from the people who are downhill; could use the same thing for buffer and stormwater detention. Commissioner Dorsett stated that bio-retention can double as stormwater and buffer.

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Chairperson Moore asked for the aerial map. Commissioner Powers asked about topography for projector. Ms. Hair responded that map is not part of the staff report. Chairperson Moore noted the interest in how the applicant will manage stormwater on the site and asked about level of detail. Commissioner Dorsett responded detailed since it will impact residential and parking lots produce a lot of water. Chairperson Moore noted the level of detail would require a cost for engineering drawings before rezoning, possibly a couple thousand dollars for a design with specifics. Commissioner Dorsett responded given the potential impact on neighboring properties, she would like specifics since there will be a lot of water. Chairperson Moore asked about Town ordinance regulating stormwater and he thought the threshold is 10,000 square feet. Ms. Hair indicated this is correct. Chairperson Moore stated they could manage stormwater and maintain the pre and post development. Commissioner Powers indicated the Town follows the State minimum and Planning Commission may want higher standards. Chairperson Moore restated they could maintain the current pre-development level after development. Commissioner Powers indicated it may be easy to do. He added that he is curious how the stormwater is being handled on site for the current impervious surfaces. Commissioner Powers stated each person handles their own stormwater piece but a more coordinated approach is needed. Commissioner Dorsett stated the parcel is 4/10ths of an acre, so roughly 17,000 square feet and they will likely pave 12,000-13,000 square feet, which is above the limit where erosion and sediment control kick in. Commissioner Powers stated the analysis may have occurred with the highway project through VDOT. He added there may or may not be an easy way for this property to fit into the larger picture.

Chairperson Moore summarized the Planning Commission is looking for more detailed information on stormwater, for what will be developed. He added they would not be able to move forward with this as there is no continuity with the community with what would be allowed in the B-3 and would like additional information from the applicant and potentially proffers. Commissioner Collins stated he may not require spending several thousand dollars for drawings when they may not get the rezoning. Chairperson Moore stated requiring pre-development levels of peak runoff to be maintained is one option. Commissioner Collins noted the site is all grass now. Commissioner Powers stated there are other options less than a detailed study and they may make proffers to assure it will be handled properly. Commissioner Powers noted the property will be worth a lot more once it is zoned business. Commissioner Carter agreed. Commissioner Dorsett stated residential development is unlikely since it has not developed in 25 years due to proximity to Route 114. She added a parking lot makes sense but does not want to approve a pig in a poke. Commissioner Carter stated the need to protect what is already there, the R-3 and the R-1.

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Chairperson Moore stated they own the property along the front. He added water quality does not apply since it is not one acre but could seek it to be treated as a contiguous property in terms of impervious surfaces and the water quality would be required to ensure treating for impervious surface and phosphorous loading. Commissioner Dorsett stated they could proffer pervious paving that would allow for infiltration and treat the runoff issue. Chairperson Moore stated that they could use low impact development with porous or pervious pavers. Commissioner Carter asked how many spaces they plan to fit in. Ms. Hair responded she could not say at this point. Commissioner Carter would like that information. Chairperson Moore noted a sketch with offsets would be helpful. Commissioner Dorsett asked to zoom in on the parcel and the parking lot to the east. She suggested the lot would be the same size as the front lot on the left of the Merchant's lot with two sided and estimated 20 spaces. Commissioner Carter asked if there is only one business in front. Ms. Hair indicated yes. Commissioner Dorsett indicated if they go from commercial to retail, they could use more spaces. Commissioner Sowers indicated the current lot has five parking spaces which would remain after widening the road. Commissioner Powers stated he likes the parking being in the back since they could use existing street instead of Route 114. Commissioner Collins asked about requiring blacktop not gravel. Ms. Hair stated it is in the ordinance it must be hard surface and cannot be gravel. Commissioner Dorsett restated the suggestion of pervious or porous pavement. Commissioner Powers stated it comes to how the property will ultimately be developed. He added they may have an idea of how the parcels will fit together, looking at water quality, parking, and buffers.

Commissioner Powers explained the previous discussion about impacts to Ms. Tuck. Ms. Tuck indicated they are unsure what they will do with the lot other than putting in a driveway. She added they plan to plant Leyland cypress trees between the lots so the neighborhood would not look commercial. She noted when you drive up Somerset Street; you see the shield of trees. She added they would be more comfortable with the lot being commercial and may eventually build a structure that would adjoin but not now. Commissioner Collins asked about building a parking lot. Ms. Tuck stated initially, they will be adding a driveway. Commissioner Collins asked where the driveway would be located. Ms. Tuck responded it would connect the front building to Somerset Street to make a safer exit. She added they do have the driveway permit. She added there is currently a garden on the property and there is a slopped bank between properties that may need to be reduced. She stated they may remove the pine trees currently on the property and plant trees on the south side if they develop something other than a driveway. Ms. Tuck noted her son and daughter-in-law are planning to live there and would like to keep the garden for now. She stated they may have to take down some of the height of the slope if they ever put in a drive through for a bank tenant or something like that.

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Commissioner Dorsett asked if there is a buffer between property and adjoining R-3. Ms. Tuck responded yes there is a board fence and they would always maintain some sort of barrier. She added one section blew down and it has been replaced but not yet painted. Commissioner Collins asked if a driveway can be placed in R-1. Ms. Tuck responded yes but for the future, since they just bought the property, they would like to go ahead and change it. She added the previous owner believed it was commercial. She repeated that it is for the future not the next few years. Ms. Tuck stated she began negotiating for the parcels four years ago. Commissioner Parsons asked if they own all three parcels. Ms. Tuck responded yes and the property with the house would remain residential and if her son moved out, they would put the trees in, but they plan to use it as a gardening spot. She added they may eventually put in an L-shaped driveway or parking. Commissioner Powers asked how the highway project has affected the property. Ms. Tuck responded the highway department will be installing a sidewalk along part of Somerset Street and the Town is moving a "Children at Play" sign. Commissioner Powers asked if the highway project will affect the entrance up front. Ms. Tuck responded no, it only means that there would be a safer exit with good visibility in both directions. Commissioner Dorsett asked about what the building is currently used for. Ms. Tuck responded it is currently vacant; they had midnight movers who did not pay the rent. She added it has previously been an insurance office and farm bureau. She stated they are looking for tenants and it would be useful to have six or eight more parking spots. She noted there is a rise from the back of the property that goes down and they do not anticipate disturbing that part at all. Commissioner Carter asked about the drainage ditch. Ms. Tuck responded the drainage ditch runs along Somerset Street. Chairperson Moore asked which way it drains. Ms. Tuck responded it follows the road. She added the neighbors they have spoken with are fine with it and thought the property was already commercial. She noted the previous owner knew it was part of their property. She added they also own property on Majestic Drive and have improved it considerably. She stated had it been inspected, it probably would have been condemned since they took away about 25 truckloads of stuff. She noted they have a vested interest in the neighborhood. Chairperson Moore asked if the property could be rezoned and a proffer made that would require a conditional use permit for certain future development. Ms. Hair responded no, but a proffer could be made for a specific use such as office space or retail.

Commissioner Powers stated concern about future impacts and with current regulations; it could be paved up to property line. He added the applicant has not determined how it will be developed in the future. Ms. Tuck noted across the street is zoned commercial and further past the location of this property. She added they would like always to keep grass and trees and they have planted a garden. Commissioner Powers stated it would not fall under regulation and might get developed piece by piece without regulation. Ms. Hair stated a building or use change could trigger site plan review.

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Commissioner Powers asked about stormwater runoff. Ms. Tuck stated they could consider both parcels as one. Chairperson Moore stated if it is sold, the next owner may not have the same idea of keeping the fence and buffer but the applicant can proffer certain conditions that they will abide by. He stated examples of planting trees, 10 foot buffer for pavement. He continued that proffers would limit what the next owner could do. Ms. Tuck stated she understood there was an automatic 12 foot buffer. Commissioner Powers noted the proximity of the paving across the street to the property line. Chairperson Moore suggested the applicant come back with more information of how to keep continuity with surrounding properties. Chairperson Moore indicated Ms. Hair can help with proffers if desired. Ms. Tuck indicated the 10 foot buffer sounds better than the 12 foot buffer, but they may go with 15 feet depending on the development. Chairperson Moore indicated there could be a minimum buffer. Commissioner Dorsett suggested bio-retention facilities, essentially rain gardens, as a personal preference to mitigate stormwater runoff as part of the buffer. Ms. Tuck stated when development occurs; they would have a landscaping plan to adhere to. She added they did that with the County and it included where trees would go and what type and included extras. Chairperson Moore stated that as a small lot, the criteria may not require the continuity that is wanted. He suggested working with Ms. Hair to come up with ideas. Commissioner Carter noted landscaping is different for B-3 than residential. Chairperson Moore stated that Ms. Hair cannot say whether it will pass, but can help. He asked if another public hearing will be required. Commissioner Parsons stated she would like an additional public hearing for adjoining property owners. Ms. Tuck stated that none of the neighbors object. Chairperson Moore stated the Planning Commission cannot vote on the proffers without a public hearing. Ms. Hair stated proffers must be made prior to the Town Council public hearing. Commissioner Powers agreed. Chairperson Moore noted that then there would be no recommendation. Commissioner Powers stated that they will review it in two weeks. Chairperson Moore indicated that planning commission cannot vote on the proffers. Commissioner Dorsett responded that they could vote after Town Council's public hearing. Ms. Hair indicated the Town Council's public hearing would be October 16th. Chairperson Moore asked about proffers made after the public hearing. Commissioner Powers responded that is the Town Council public hearing. Commissioner Dorsett noted townhouse proffers that were after the Town Council public hearing. Ms. Hair noted the same process was used for on another request, where proffers were submitted prior to Town Council's public hearing but Planning Commission had the proffers prior to their vote. Commissioner Carter stated they need a lot of information before they can vote in two weeks. Commissioner Collins noted the applicant can put the driveway in while it is zoned R-1. Ms. Tuck indicated they intend to do that.

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Commissioner Collins asked why the applicant does not wait to rezone until they have a plan. Ms. Tuck responded they do not know who will be on the board. Commissioner Carter agreed. Chairperson Moore noted Ms. Hair can help but cannot guarantee a positive outcome. He added the Planning Commission cannot modify the proffers but only vote on what is offered. Commissioner Powers indicated the Planning Commission can reach a modification but it would have to be revised and signed before the Town Council public hearing. Ms. Tuck asked what Planning Commission would like to see in the proffers. Chairperson Moore responded a buffer strip around the property has been discussed. Commissioner Collins asked about land being used like this nearby. Ms. Hair responded the land across the street. Ms. Tuck noted her property previously had an insurance office. Chairperson Moore suggested a 10 foot buffer. Commissioner Sowers stated the property is no different than what is directly beside it. Commissioner Powers stated maybe it could be improved on. Commissioner Sowers stated the property across the street is a nice development. Commissioner Powers suggested 10 feet to get the landscaping in and be sufficient. Chairperson Moore noted the existence of the board fence. Ms. Tuck responded it runs along the back side. Chairperson Moore suggested a proffer to keep the board fence. Ms. Tuck indicated there will always be a fence there that you cannot see through. Chairperson Moore indicated that would be a proffer. He added that trees being planted between the current parcel and the house if any structures are built or building is added on to. Commissioner Powers asked about how stormwater will be managed for the overall development stating that it looks as though everything will drain to the lower right corner. Commissioner Dorsett suggested putting in bio-retention on either side of the driveway. Ms. Tuck asked if when a structure is built, an engineered system would be analyzed. Chairperson Moore noted the development would need to be addressed as a whole. Commissioner Powers agreed and added water quality would need to be considered. Chairperson Moore restated the two parcels will be considered as one and an appropriately engineered plan will consider both water quality and water quantity even if it does not meet thresholds. Commissioner Dorsett asked if the boundary line will be vacated. Commissioner Sowers summarized asking if the two properties will be combined. Ms. Tuck indicated it will be considered as one unit but for now, there will be a garden. Commissioner Dorsett stated the runoff can be controlled by birch trees on a downhill slope because they consume a lot of water and are ideal for bio-retention and could mitigate stormwater off the driveway. Commissioner Powers indicated that details can be worked out with engineer and staff later. Ms. Tuck indicated that the lot is too small to build a large structure and by sharing the parking lot, you minimize disturbance. Chairperson Moore stated that rain gardens can do a lot of treatment for small areas but that both parcels need to be considered as a complete development meaning both water quality and water quantity even though it may fall under the threshold for triggering it.

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Commissioner Powers stated that there is probably no detention for the existing conditions. Commissioner Collins stated he still does not see why the applicant wants the rezoning. Commissioner Sowers responded it will be easier to rent. She gave an example of a pharmacy which may need a drive thru window, currently the property could not be rented as that, but it allows for more possibilities. Commissioner Dorsett noted it is difficult to rent without a guarantee expansion can occur on the land next to it.

Chairperson Moore noted the Comprehensive Plan indicates it will be residential and it may have different issues since it is changing from residential to commercial and it abuts residential properties. He added the Planning Commission is trying to build continuity. Commissioner Powers noted the Comprehensive Plan will be changing in the next year and could catch up. Ms. Tuck indicated she does not want to wait a year. Chairperson Moore responded that proffers move this process along. Commissioner Carter noted that once it is zoned business, someone else can do what they want as well. Ms. Tuck indicated they do not sell property, except for a property condemned by the highway department. Commissioner Powers asked Ms. Hair if the sidewalk would be extended during the site plan phase. Ms. Tuck indicated the sidewalk will come to the end of property line. Commissioner Powers noted the sidewalk would need to be extended the length of the property when it is developed. Ms. Tuck asked about in front of the house. Chairperson Moore indicated down to the edge of the rezoned parcel. Ms. Tuck asked about curb and gutter for the entrance way. Ms. Hair stated if the parcel is rezoned, sidewalk would be required along the parcel. Chairperson Moore indicated it would tie into VDOT's extension and run down to her son's property. Ms. Tuck explained further about her son's living situation. Chairperson Moore stated that there is no further discussion.

Other Business

Ms. Hair noted she was contacted by Montgomery County Planning Director, Steve Sandy about a regional planning commission meeting with County and two Towns. Ms. Hair noted they will work on topics and date. Commissioner Powers stated a planning conference is coming up and asked if the Town would pay for commissioners to attend. Ms. Hair indicated that would be agreeable and both she and Ms. Casper will be attending and can report back as well.

There being no more business Chairperson Moore adjourned the meeting at 8:01 p.m.

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Craig Moore, Chairperson Nichole Hair, Secretary Non-Voting

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