

**Christiansburg Planning Commission
Minutes of December 10, 2012**

Present: 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: Ann H. Carter

Staff/Visitors: Kali Casper, staff
Missy Martin, staff
John Neel, Gay & Neel
Thom Rutledge, SHAH Development
Kevin Conner, Gay & Neel
David Franusich, 495 Turpin Walk

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 November 26, 2012.

Chairperson Moore introduced the discussion. Commissioner Sowers made a motion to approve the November 26, 2012 Planning Commission meeting minutes. Commissioner Dorsett seconded the motion which passed 6-0 with Commissioner Collins abstaining.

Planning Commission recommendation on Council's intention to adopt an ordinance in regards to a rezoning request by Marine Holding, LTD for property located at 310 Bell Road (tax parcel 499-((A))-13) from I-2 General Industrial to B-3 General Business. The property is scheduled as Industrial in the Future Land Use Map of the Christiansburg Comprehensive Plan. The Town Council Public Hearing was held December 4, 2012.

Chairperson Moore opened the discussion. Commissioner Dorsett asked if we received the requested letter. Ms. Hair responded yes and stated that no one spoke against it at the Town Council public hearing. Commissioner Dorsett asked about recommending fencing for the child care facility. Ms. Hair responded fencing is not required by the State Board.

Planning Commission recommendation on Council's intention to adopt an ordinance in regards to a rezoning request by Marine Holding, LTD for property located at 310 Bell Road (tax parcel 499-((A))-13) from I-2 General Industrial to B-3 General Business. The property is scheduled as Industrial in the Future Land Use Map of the Christiansburg Comprehensive Plan. The Town Council Public Hearing was held December 4, 2012 (Continued).

Commissioner Sowers asked about payment of back taxes. Ms. Hair and Chairperson Moore responded the Town cannot require the taxes be paid. Commissioner Huppert noted the applicant does plan to add fencing at a later date. He also stated Town Council was interested in not allowing for rezoning or CUPs without debt payment by the owner in the future. Commissioner Huppert added the taxes have not been paid to date and the new taxes due on December 5th have also not been paid. Commissioner Dorsett noted the ordinance needs to be changed to address this. Chairperson Moore stated that this is a rezoning request with no proffers. Commissioner Dorsett made a motion to recommend approval for the request. Commissioner Parsons seconded the motion which passed 6-0 with Commissioner Collins abstaining.

Planning Commission Public Hearing on a Conditional Use Permit request by SHAH Development, L.L.C. (agent for property owner Ina M. Graves) for residential use at 115 Fisher Street, N.E. (tax parcel 499-((3))-1) in the B-3 General Business District.

Chairperson Moore opened the public hearing. Mr. Neel stated he is with Gay & Neel and representing SHAH Development with Mr. Rutledge present as the project manager. Mr. Neel explained his handout includes three sheets, one of which is a vicinity map to show the orientation of the site. Commissioner Dorsett asked for clarification on the location. Commissioner Sowers pointed out the old house. Mr. Neel pointed out the flea market/auction place. He added to access the property, go past Hubbell and it is on Fisher Street, a small residential street that is the middle of a business district. Mr. Neel noted there is an old run-down white house on the property that is visible from Roanoke Street. Commissioner Dorsett asked if the house is a concrete block house. Commissioner Sowers stated the concrete block house is to the left of this property. Mr. Rutledge agreed with this description.

Commissioner Huppert asked about the property. Mr. Neel noted he also has pictures of the property and surrounding area. Mr. Neel added Fisher Street dead ends almost up against the Route 460 By-Pass ramp. He stated the request is to take down the existing structure which the Town has some history with and has condemned the property. Mr. Rutledge agreed; noting the property has been an open case for several years. Mr. Neel stated the other drawing in the handout is a schematic layout of the site with six residential townhouses and associated parking, landscaping, and stormwater management. He added the last sheet of the handouts is a table showing front yard greenspace and overall greenspace meeting B-3 standards. Mr. Neel noted the zoning is B-3 even though a large area is existing residential use in the B-3 district that is grandfathered. Commissioner Collins asked about townhouses at rear. Mr. Neel stated that they are actually condominiums but are operating effectively as townhouses and SHAH owns that property as well. Commissioner Dorsett asked if it is effectively an extension of the development.

Planning Commission Public Hearing on a Conditional Use Permit request by SHAH Development, L.L.C. (agent for property owner Ina M. Graves) for residential use at 115 Fisher Street, N.E. (tax parcel 499-((3))-1) in the B-3 General Business District (Continued).

Mr. Rutledge added SHAH Development originally purchased the properties three or four years ago and they remodeled the units to meet building code so they could be conveyed individually.

Mr. Neel stated the applicant would like to subdivide these into individual townhouse lots. He added the townhouses would have the same general look and concept of what is existing there. Mr. Neel referenced the pictures that were taken of the site and the surrounding area. Mr. Neel reviewed the photos pointing out the existing house on the site. Commissioner Collins asked if there was a garage or just part of the house. Mr. Neel responded the photo shows part of the house. He added the development will have two single entrances instead of one wide entrance directly off the street. He stated that the proposed plan shows two single entrances with a landscaped area separating the street from the parking area. Mr. Neel continued to review the photos, showing the residential neighborhood.

Commissioner Powers asked why the site is zoned B-3 Business while the lower part is residential. Ms. Hair responded it has been that way for some time probably since it fronted on Roanoke Street. Commissioner Dorsett stated that rezoning could be considered with the new Comprehensive Plan Future Land Use Map when it is updated. Mr. Neel noted the property was likely rezoned prior to the Route 460 By-Pass being a concept and was expected to turn into business. Commissioner Powers asked if it goes back that far. Mr. Neel responded he thinks so with an educated guess. He added when the Route 460 By-Pass was located there, no business would be interested in the site since they would look for traffic off the street. Mr. Rutledge stated that there is no connection to Roanoke Street since it is limited access. Mr. Neel added there never will be a connection there.

Mr. Neel reviewed the photos of the renovated condominiums next to the site. Commissioner Powers noted the photo shows where everyone backs out directly onto the street. Commissioner Dorsett asked about front façade. Mr. Rutledge noted every third unit must be offset or staggered by three feet. He added the photo shows four units all in one line and the new units will meet current Code requirements. Commissioner Dorsett asked about window configurations. Mr. Rutledge indicated he wanted to talk about that and referenced other townhouse developments. He added with smaller units, it is challenging to place windows on the units. Commissioner Dorsett addressed the ugliness of the middle unit in the photo. Mr. Rutledge responded they are still designing and looking at end unit near Roanoke Street for aesthetics since it is currently an eyesore. He added he preferred vegetative screening than a single window on an end unit. Mr. Rutledge noted with smaller units (18' x18') furniture placement is difficult with these windows. Commissioner Dorsett mentioned the expanse of wall. She added she understands trying to minimize the amount of noise from Roanoke Street. Mr. Rutledge noted there is generally a kitchen, dining room, living room, and a ½ bath downstairs with two or three bedrooms upstairs.

Planning Commission Public Hearing on a Conditional Use Permit request by SHAH Development, L.L.C. (agent for property owner Ina M. Graves) for residential use at 115 Fisher Street, N.E. (tax parcel 499-((3))-1) in the B-3 General Business District (Continued).

Mr. Neel continued reviewing the photos of Fisher Street. Mr. Rutledge added the intent is to show the difference in the housing types on Fisher Street. Mr. Neel pointed out the block building that was previously mentioned. Commissioner Huppert asked if these units will be rental. Mr. Rutledge responded no that the units are being constructed to subdivide. He added the units will meet the minimum lot size, minimum road frontage, and setbacks so the units will be built to sell but will be for rental to start. Commissioner Huppert asked about the next door units being rentals. Mr. Rutledge responded they are rentals but they can be conveyed separately. Commissioner Huppert stated they are currently rentals. Commissioner Sowers stated the current units can be sold separately. Mr. Rutledge explained the proposed units will be set up to be conveyed separately. He added a rental unit only has to have a 1 hour firewall between units, but units to be conveyed must have a 2 hour firewall. Commissioner Huppert asked if the units would be two and three bedroom units. Mr. Rutledge responded yes.

Mr. Neel pointed out the overall lot plan showing a 15 foot parking setback with a one-way entrance and exit on either end with 2.5 parking spaces per unit. Mr. Neel detailed the stormwater management area is to the right side. Mr. Neel indicated this area would be roughly 60% impervious and stormwater would feed into the ditchline along Roanoke Street. Mr. Neel added the required number of trees is being met as shown in the rear of the lots. Mr. Rutledge noted there are trees along rear property line now but they are not maintained. He added there may be trees located in the front of the lots. Commissioner Dorsett suggested trees at the front since the viewshed includes the Route 460 By-Pass.

Mr. Rutledge noted stormwater management area may be bio-retention. Mr. Neel added water and sewer is adjacent to the site and will connect readily. Commissioner Huppert asked about construction date with approval. Mr. Rutledge noted the development will have to go through site planning process which is 6-8 months for engineering and review. Mr. Rutledge noted there is asbestos in the house according to the grandson of the owner and they have a contractor on board to abate the asbestos. He added he must do a 10 day notification to the Virginia Department of Labor and Industry that the building will be torn down. Mr. Rutledge noted he would like to get started with the \$40 permit for demo to take the building down. Mr. Neel noted the demo is a separate issue.

Commissioner Dorsett commented on the possibility of ice in the winter and suggested minimal bio-retention in front area of the property to address it. Mr. Neel stated they are not at that level of detail in the design yet but they will have to consider water meters and sewer cleanouts that present challenges. Commissioner Dorsett noted the bio-retention can be used as a landscaping feature.

Planning Commission Public Hearing on a Conditional Use Permit request by SHAH Development, L.L.C. (agent for property owner Ina M. Graves) for residential use at 115 Fisher Street, N.E. (tax parcel 499-((3))-1) in the B-3 General Business District (Continued).

Commissioner Powers noted how Fisher Street just ends and there is no public turnaround. He added school buses do not currently go down Fisher Street, but if they did, there is nowhere for them to turnaround. He stated it is the same for a Town truck pushing snow. Commissioner Powers asked about consideration for a public turnaround in the design. Mr. Rutledge stated he would be willing to look at either of the entrances as a hammerhead. Mr. Neel noted there is no space for a cul-de-sac. Mr. Rutledge added he has done this previously at Jarrett Drive for the Town. Mr. Neel noted they have the greenspace and could make the entrance wide enough to accommodate a plow.

Commissioner Powers asked about using R-3 regulations in the B-3 district. He noted he thought the setbacks and frontage requirements must be met were R-3 regulations as opposed to B-3 for residential use. Ms. Hair responded Mr. Wingfield made the determination on this project as the Zoning Administrator. Commissioner Powers asked if it is meeting the R-3 requirements. Mr. Neel responded the development is meeting the R-3 regulations for lot width, setbacks and related items but are meeting more stringent B-3 landscaping requirements.

Commissioner Powers asked about stormwater detention being shown on lot 6 and if there is a homeowners' association that will share responsibilities for future maintenance. Mr. Neel noted the Town requires any development that has stormwater management to have a stormwater maintenance agreement with the Town. Mr. Rutledge added the document is recorded with the Montgomery County Clerk of Court. Mr. Neel stated it is recorded as part of the deed and documents. He added that it can be set up several different ways, including as a stormwater maintenance agreement.

Mr. Neel Stated an access easement for the parking area will be set up as well 2.5 spaces per unit will be provided and those cannot be divided along lot lines. Commissioner Powers stated that parking maintenance would be a joint responsibility. Mr. Neel agreed. Mr. Rutledge stated that there will probably be homeowners' association with stormwater maintenance. Mr. Neel noted that when there is not specific common area, a homeowners' association still needs someone in charge. He added that they have to file tax returns whereas a maintenance agreement can be written into the deeds and handled more informally and reduces the burden on the individual lot owners. Mr. Rutledge noted the issues with mowing without a homeowners' association and added that there are pros and cons to both approaches. Commissioner Powers indicated that the developers can figure out what is best. Mr. Rutledge indicated the Town gets the best of both worlds with R-3 requirements and B-3 landscaping.

Planning Commission Public Hearing on a Conditional Use Permit request by SHAH Development, L.L.C. (agent for property owner Ina M. Graves) for residential use at 115 Fisher Street, N.E. (tax parcel 499-((3))-1) in the B-3 General Business District (Continued).

Commissioner Huppert asked if there are many school kids in the other condos and asked what types of people are going in there. Mr. Rutledge responded he does not know but did not see lots of toys or bikes outside. Commissioner Dorsett stated if it is like the units on Cambria Street, it is likely Tech graduate students. Commissioner Sowers disagreed and stated it is probably local families. Commissioner Collins indicated he knows one person living on this street that works at Volvo and runs a towing service when he is laid off and does not have any small children.

Chairperson Moore closed the public hearing.

Chairperson Moore opened the discussion for this item.

Commissioner Dorsett asked about public comments. Ms. Hair responded the Town has not received any correspondence. Chairperson Moore noted generally the Planning Commission votes on items at the following meeting. Ms. Hair and Commissioner Parsons responded the next meeting will be January 7, 2013. Commissioner Collins noted the request for development can only improve the area. Commissioner Sowers agreed it would help. Commissioner Powers asked if there was any additional information that would make waiting until January 7th necessary.

Commissioner Dorsett made a motion to approve with changes that Commissioner Powers suggested. She added that the request be approved with substantial compliance and hammerhead turnaround on the southern end of the property. Chairperson Moore asked about the trees. Commissioner Dorsett added the trees to her motion. Chairperson Moore noted the motion is to approve with substantial compliance with the drawing and the modifications for a hammerhead on the south side of the property and with latitude to adjust the trees as most appropriate. Commissioner Dorsett added that it would potentially include additional stormwater.

Chairperson Moore reviewed the conditions to include consideration of stormwater in the green area on the west side. Commissioner Collins seconded the motion.

Commissioner Huppert asked for the motion to be read. Ms. Casper read "to approve with substantial compliance to the concept drawing and the hammerhead turnaround on the south side of the property with latitude to adjust the trees as most appropriate and to consider stormwater in the green area on the west side." Chairperson Moore counted the vote which passed 7-0.

Planning Commission Public Hearing on a Conditional Use Permit request by SHAH Development, L.L.C. (agent for property owner Ina M. Graves) for residential use at 115 Fisher Street, N.E. (tax parcel 499-((3))-1) in the B-3 General Business District (Continued).

Mr. Rutledge asked about the timeline with the vote having taken place. Commissioner Dorsett noted that it goes to public hearing with Town Council. Mr. Rutledge asked if that saves two weeks in the process. Ms. Hair responded no that Town Council will not vote the same night and will continue with their schedule. She indicated the public hearing will be January 15, 2013 and then Town Council will likely vote February 5, 2013. Mr. Rutledge asked if they would pick it up early. Ms. Hair responded no, because Town Council has set the public hearing.

Election of officers – to take office January 1, 2013.

Chairperson Moore opened the discussion. Commissioner Dorsett made a motion to keep the same officers. Commissioner Sowers seconded the motion. Commissioner Parsons asked how the officers feel about that. Commissioner Powers and Chairperson Moore do not mind. Chairperson Moore counted the vote which passed 5-0 with Chairperson Moore and Commissioner Powers abstaining. Chairperson Moore noted that Ms. Hair will remain as Secretary. Commissioner Dorsett noted that Ms. Hair was not asked if she wanted the job.

Meeting dates – 2013.

Chairperson Moore opened the discussion. Ms. Hair noted Town Council is considering adjusting their schedule. She added Town Council's first meeting will be the first Wednesday in January due to the holidays and that will be an organizational meeting. She indicated Town Council will decide their schedule that night, until then Planning Commission will keep the schedule as usual. Commissioner Dorsett asked about standardizing meeting dates. Ms. Hair responded the Planning Commission meetings are currently six days after Town Council meetings. She noted the Planning Commission could shorten the process a little by scheduling public hearings two weeks in a row with Planning Commission first and Town Council the following week and Town Council would have Planning Commission recommendation prior to voting. Chairperson Moore noted it was originally so that Town Council would have a recommendation from Planning Commissioner before their public hearing. Ms. Hair noted Town Council receives Planning Commission minutes in their packet by Friday. Chairperson Moore asked if there were any objections to holding the public hearings two weeks in a row. Commissioner Collins indicated it would be smart. Chairperson Moore reviewed the possibility. Commissioner Dorsett noted an issue with State law in that certain things cannot be changed after the elected officials' public hearing. Ms. Hair agreed and noted we will make it work.

Meeting dates – 2013 (Continued).

Commissioner Dorsett noted that State Code stated that you cannot make changes to a proposal after government body has public hearing. She added if Planning Commission were to table an issue, they could not make changes after the Town Council public hearing. Commissioner Powers noted proffers also fall under that. Commissioner Powers suggested adjusting the schedule to meet advertising deadlines. Ms. Hair noted it is only an issue when there are five Tuesdays and the process increases in length. Commissioner Collins asked about having two options; if it gets voted on, then Town Council would hear earlier. Ms. Hair responded that Town Council has already set their public hearing dates. Commissioner Dorsett asked about meeting dates at the County. Commissioner Powers responded that it was the 1st and 3rd Wednesday. Commissioner Dorsett noted that the public hearing was always the first meeting of the month. Commissioner Powers indicated there is more flexibility in this process since there are two options for public hearings. Ms. Hair noted that applications are accepted at any time prior to a Town Council meeting for public hearings to be set. She added some localities set more specific deadlines for applications. Commissioner Parsons noted that Blacksburg does it that way and only has public hearings at one of their meetings. Ms. Hair noted Lynchburg as well but that we can adjust public hearings. Commissioner Dorsett stated that this system helps staff. Ms. Hair responded with Mr. Helms and Town Council, there is some flexibility so that public hearings do not have five items at a time.

Chairperson Moore asked about the date of the next meeting. Ms. Hair responded it is January 7th. Chairperson Moore asked about the date of the joint meeting. Ms. Hair responded it will be January 16th and the public speakers are being selected. Commissioner Dorsett asked about putting agendas at each place. Ms. Hair responded that we are trying to cut down on paper waste but will put one out for Commissioner Dorsett. Commissioner Collins asked about the Town Christmas party. Ms. Hair responded that the Town does not have one. Commissioner Huppert indicated there is the Parade on Friday night.

Ms. Hair added Commissioner Carter is at Montgomery Regional in Intensive Care and will likely be there for some time. Commissioner Huppert asked about visiting her. Ms. Hair responded that you cannot go in to ICU.

Other Business

Commissioner Dorsett asked about the selection process for new members. Ms. Hair responded there will be three interviews next week at 6pm and Town Council will allow Chairperson Moore to attend. She added she will also be in attendance and that Town Council may vote on it that night. Chairperson Moore asked about the date. Ms. Hair responded that it is December 18, 2012.

Ms. Hair stated the Town Council has authorized Planning Commission to look at delinquent taxes and that the Development Subcommittee will look at it. Ms. Hair stated the Town Council will pay the Planning Commission Chairperson for attending Town Council meetings.

Commissioner Parsons noted it took 4 weeks after her and Commissioner Collins' interview to be appointed.

Commissioner Dorsett noted that the next Comprehensive Plan meeting is one week from Wednesday at the Depot.

Ms. Hair stated that the Development Committee is meeting this Wednesday at 9:30am at Town Hall.

There being no more business Chairperson Moore adjourned the meeting at 7:51 p.m.



Craig Moore, Chairperson



Nichole Hair, Secretary Non-Voting