Christiansburg Planning Commission
Minutes of June 10, 2013

Present: Matthew J. Beasley
Harry Collins
M.H. Dorsett, AICP
Jonathan Hedrick
Steve Huppert
Ashley Parsons
Joe Powers, Vice-Chairperson
Jennifer D. Sowers
Nichole Hair, Secretary Non-Voting

Absent: Ann H. Carter
David Franusich
Craig Moore, Chairperson

Staff/Visitors: Kali Casper, staff
Missy Martin, staff
Randy Wingfield, Assistant Town Manager/Zoning Administrator, Town of Christiansburg
Johnny C. Martin, 3295 Roanoke Street
Mr. and Mrs. J.C. Martin, Jr., 2000 Tower Road

Vice-Chairperson Powers called the meeting to order at 7:02 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia to discuss the following items:

Public Comment.

Vice-Chairperson Powers opened the floor for public comment. No public comments were made. Vice-Chairperson Powers closed the floor for public comment.

Approval of meeting minutes for May 13, 2013.

Vice-Chairperson Powers introduced the discussion. Commissioner Dorsett made a motion to approve the Planning Commission meeting minutes. Commissioner Beasley seconded the motion which passed 8-0.

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Planning Commission Public Hearing on a proffer amendment request by Johnny C. Martin for property located at 3295 and 3301 Roanoke Street (an approximately 1.3 acre portion of the total 36.798 acre tax parcel 502 – ((9)) – 5C and an approximately 0.65 acre portion of the total 4.0756 acre tax parcel 502 – ((9)) – 5), which is zoned B-3 General Business, to amend a proffer statement to allow automobile sales.

Vice-Chairperson Powers opened the discussion asking staff to present the material for the proffer amendment. Ms. Hair discussed the rezoning application approval and conditions from 2010, which proffered contractor equipment only and trees must be planted for buffers. Ms. Hair said Mr. Johnny Martin spoke with Mr. Wingfield requesting to have automobile sales on the property. Mr. Martin has now come back requesting a proffer amendment in conjunction with the contractor equipment storage. Ms. Hair added no site plan was required at the time of the rezoning because the building already existed on the property. Ms. Hair advised the Commissioners if Mr. Martin would like to have the automobile sales he would have to pave 10 parking spots.

Vice-Chairperson Powers asked Ms. Hair to review the maps of the property. Vice-Chairperson Powers asked about the acreage of the property. Ms. Hair replied the acreage is including two parcels. Vice-Chairperson Powers asked if the purple outline on the aerial map is the 1.9 acres from the rezoning in 2010. Ms. Hair detailed the existing barn on the aerial map.

Vice-Chairperson Powers asked Mr. Johnny Martin to speak and explain his request. Commissioner Huppert discussed how he was on the Planning Commission when the rezoning was approved in 2010 and after looking at the current pictures everything has been completed as Mr. Martin agreed. Commissioner Huppert said he would like to compliment Mr. Martin on the work. Mr. Martin advised the Commissioners the property has now been subdivided into one parcel. Vice-Chairperson Powers asked if the subdividing was recent. Mr. Johnny Martin replied yes and the address is now 3301 Roanoke Street. Mr. JC Martin said the property is approximately 37 acres.

Mr. Johnny Martin detailed with the aerial map, how the property was required an 80 foot of road frontage to build a dwelling on the property. Mr. Martin described how the right of way came up the front of the property going beside the existing barn. Mr. Martin added after his son, J.C. Martin, decided to go into business he combined the property to one parcel transferred the property into J.C. Martin's name. Mr. Martin said the barn has been remodeled to have three offices and is now used as a shop for J.C. Martin's excavating business. Commissioner Huppert asked if the shop had a concrete floor. Mr. Martin replied yes and added in January a chain link fence was installed with a power operated gate to secure the B-3 portion of the property. Mr. Martin shows on the aerial map the approximately 60 mature trees proffered from 2010.

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Mr. Martin stated he is now requesting the sale of automobiles on the property because the law states that no more than 5 vehicles can be sold unless the owner has a valid DMV dealership license. Mr. Martin stated he will be using the current office space and will not be adding onto the existing building. Mr. Martin added he will only pave the required 10 spaces behind the fenced in area. Vice- Chairperson Powers clarified with Mr. Martin the automobile sales would only be within the B-3 zoned area. Mr. Martin replied yes and he will not be expanding. Mr. Martin added the in order to have a Virginia dealer's license an office space of 250 square feet must be used.

Mr. Martin indicated he has spoken with his surrounding neighbors about the proposed use and they are okay with the proposed proffer amendment. Mr. Martin advised the Commissioners he would be the only employee and his office will have to be open at least 20 hours to have a dealer's license. Commissioner Sowers asked if the sales are more internet based. Mr. Martin replied yes, all sales are online. Mr. J.C. Martin replied that occasionally they may put one vehicle down by the road frontage. Mr. Martin explained the 80 foot road frontage is mostly driveway so there is no room for more than one vehicle to be displayed for sale. Commissioner Sowers asked if Mr. Martin will be placing a sign at the entrance for the automobile sales. Mr. Martin replied he will not be installing a sign at the road but the dealer's license will require a 6" sign be placed over the office door. Commissioner Sowers asked if Mr. Martin will be expecting a lot of traffic. Mr. Martin replied no. Commissioner Huppert clarified with Mr. Martin that he will not be relying on drive by business. Mr. Martin replied no and the gate will need to be open for public access during the 20 hours the office will be open. Mr. Martin stated a sign showing the hours of operation is required to be posted on the property.

Commissioner Beasley asked how many vehicles Mr. Martin will have on the property. Mr. Martin replied that he does not want to limit himself but basically he deals with personal vehicles, no heavy equipment. Mr. Martin said currently there are 5 employees parking on the property but no parking will be allowed past the fence. Mr. Martin said he does not want to have 20 or 30 vehicles on the lot. Mr. Martin stated there could be 5 and if some vehicles are being worked on it may be more. Vice-Chairperson Powers asked what size trucks will be sold. Mr. Martin replied no trucks over 15,000 GBW, so Mr. Martin will only be selling pickup trucks and personal vehicles. Mr. Martin clarified that heavy equipment will be on the property because of J.C. Martin's excavating business but they will not be for sale.

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Commissioner Dorsett asked for clarification on the contractor's excavating business location on the current site and questioned items stored on the property. Mr. J.C. Martin replied the pipe is left over material from installing the entrance. Mr. J.C. Martin added no materials will be stored around the shop area except those items used for current jobs. Commissioner Dorsett asked what will happen if the property is sold in the future and what type of use will be allowed since the property is zoned B-3. Commissioner Dorsett said the surrounding property has become more of a residential area. Vice-Chairperson Powers replied he is also interested in limiting the number of cars around the building because of the residential use surrounding the property.

Commissioner Hedrick asked Mr. Martin if he is looking to amend the current proffers to allow for a vehicle to be set near the street frontage or will all vehicles be kept behind the fenced area. Mr. Martin replied all vehicles will be kept behind the fence but he would like to have the option to place a vehicle on the street frontage. Mr. Martin stated the street frontage would not allow for him to place several cars because of having to also maintain the current driveway. Vice-Chairperson Powers stated the current zoning use is restricted to only the proffers approved in 2010 and understands the request for flexibility to use the property for vehicle sales. Vice-Chairperson Powers asked Mr. Wingfield if there is a limitation of cars allowed then will there be a limitation of paved spaces. Mr. Wingfield replied the current code requires a minimum of 10 spaces paved for an automobile dealership. Commissioner Dorsett asked Mr. Wingfield if hard top paving must be used. Mr. Wingfield replied it can be brick pavers, concrete, asphalt but no surface treatment can be used. Vice-Chairperson Powers asked if the paving requirement is under off street parking section of the Town Code. Mr. Wingfield replied yes.

Mr. Johnny Martin stated the property has 50% or more of green space and he does not want to disturb the grass. Mr. Martin clarified he only wants to use the existing parking area. Commissioner Hedrick asked what was located across the street from this property. Mr. Martin answered a nursery, two cabinet shops, and an air conditioning contractor.

Vice-Chairperson Powers indicated from the discussion, there is an interest in limiting the number of cars to be allowed on the lot. Mr. Martin responded he would like to have the ability to put one car out on the street frontage. Commissioner Huppert asked Mr. Martin if he will be placing a for sale sign on the vehicle. Mr. Martin replied no, under a dealership license is a warranty disclaimer is required and for sale signs are not allowed. Commissioner Sowers asked if he can put the sale price on the vehicle. Mr. Martin replied yes and the disclaimer.

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Vice-Chairperson Powers asked Mr. Wingfield what the current regulation is for parking spaces. Mr. Wingfield replied the minimum is 9' x 18'. Mr. Wingfield added the entrance and driving isle need to be paved. Commissioner Powers asked Mr. Wingfield if the lot can only be used for automobile sales. Mr. Wingfield replied the paved isle and lot are intended for customers and employees. Commissioner Huppert asked how many neighbors surrounded the property. Mr. Martin showed on the aerial map his surrounding family members and a few mobile homes. Mr. J.C. Martin replied the pine trees block most of the surrounding property. Commissioner Huppert suggested Mr. Martin have something from his neighbors agreeing to the proffer amendment before the Town Council public hearing. Mr. Martin indicated he had done this in 2010 for the original requests.

Commissioner Dorsett asked Mr. Wingfield if it is typical to do split zoning on a parcel. Mr. Wingfield replied it is not uncommon on a large tract.

Vice-Chairperson Powers commented for the proposed use, Mr. Martin has suggested a portion of the property will be paved close to the barn excluding the one vehicle allowed on the street frontage. Vice-Chairperson Powers asked Mr. Martin if any lighting will be installed for the use of the lot. Mr. Martin replied no additional lighting is needed and he will be using the current dusk to dawn light. Vice-Chairperson Powers asked Mr. Martin about signage of the automobile sales. Mr. Martin replied he will not use a sign, except for a small one located over the sales office.

Vice-Chairperson Powers asked if anyone in the audience would like to speak on the proffer amendment. No comments were made by the audience.

Commissioner Collins asked Mr. Wingfield if he would request the entrance from the street all the way up to the shop area to be paved if Mr. Martin will be mostly internet sales. Mr. Wingfield replied yes because customers can still come onto the property. Mr. Wingfield added a 15 foot setback is required from the street right of way for parking lots otherwise he could not dictate the location for parking the vehicles unless it was included in the proffers.

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Vice-Chairperson Powers commented if the Planning Commission would act on the proffer amendment tonight it would be subject to the proffer statement presented by Mr. Martin at this time. Vice-Chairperson Powers indicated Ms. Hair could work with Mr. Martin to amend the statement before the Town Council public hearing. Vice-Chairperson Powers clarified Mr. Martin must pave the entrance and driveway. Mr. Wingfield added the driveway must be 24 feet wide all the way up to the shop because it will be considered commercial use. Commissioner Dorsett asked if the driveway is used for business would it change the easement access to the back part of the property. Mr. Wingfield replied no and the parking spaces cannot be in the easement access but the driving aisle can.

Vice-Chairperson Powers asked if anyone could grant a variance or an exception to the off-street parking requirements. Mr. Wingfield replied no and under State Code there is an administrative variance that can be granted but the Town has not adopted it into the Town's Code.

Mr. J.C. Martin stated the driveway is now 20 feet wide. Mr. J.C. Martin added the paving would be a heavy duty base for his trucks. Commissioner Collins asked Mr. Martin since the driveway will need to be paved will he consider moving the lot closer to the road. Commissioner Sowers stated the vehicles will still need to be in the fenced area. Vice-Chairperson Powers added for Mr. Martin's dealer license he will have to park the cars where his office is located. Vice-Chairperson Powers asked Mr. Wingfield if Mr. Martin would be required to have all of the parking in place before the DMV application will be approved by the Town. Mr. Wingfield replied that the development would need to be completed. Mr. J.C. Martin asked Mr. Wingfield if a site plan would be required for the paving. Mr. Wingfield replied yes a site drawing would be required.

Vice-Chairperson Powers commented that he would like to add a change into the Town's ordinance to give flexibility on paving requirements. Mr. Wingfield added if the Town was holding a bond for the improvements, he would sign the DMV letter based on the bond. Commissioner Huppert asked Mr. Martin if the required paving will change their decision. Mr. JC Martin replied the paving will be expensive but he will comply with what is required. Commissioner Dorsett stated there is a lot of paving required which will put a run off onto Roanoke Street. Commissioner Dorsett stated it would be better to use gravel for storm water prevention. Mr. Wingfield replied land disturbing in excess of 10,000 square feet would require an erosion and sediment control plan, but if less than 10,000 square feet is disturbed, a note can be added on the plan stating less than 10,000 square feet will be disturbed.

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Vice-Chairperson Powers asked the Commissioners if they would like to work on changing the ordinance for some off street parking flexibility. Vice-Chairperson Powers suggested to Mr. Martin that he bond the site development until a decision has been made for changing the off street parking ordinance. Mr. Wingfield replied the Planning Commission cannot give approval but can make recommendations. Vice-Chairperson Powers clarified if a bond is posted from Mr. Martin guaranteeing paving, Mr. Wingfield can sign the DMV application and if the ordinance changes the paving does not have to be completed and the bond is released. Commissioner Dorsett asked if a requirement can be added stating the paving would meet current regulations. Mr. Wingfield replied they would have to meet current regulations because this is not a Conditional Use Permit request. Vice-Chairperson asked Mr. Wingfield how long a bond can be held. Mr. Wingfield replied for six months. Ms. Hair added Mr. Martin would have to amend the current proffer statement if he would like to dictate the location of the car sales.

Commissioner Collins asked if the Commissioners could hold a special meeting to work on amending the off street parking ordinance. Vice-Chairperson Powers said the Commission could work on an ordinance amendment to present to Town Council during the next meeting. Vice-Chairperson Powers recommended to come back in two weeks and asked Mr. Martin for a site plan so the Commission can review the proposed use.

Review of the Capital Improvements Plan for the Fiscal Year 2013-2014 by Assistant Town Manager Randy Wingfield.

Vice-Chairperson Powers opened the discussion. Mr. Wingfield asked the Commissioners to review the handout showing the upcoming fiscal year capital projects and equipment. Mr. Wingfield stated this is only for the next fiscal year because staff had planned to do a five year projection with this year's budget but during the process the Town Manager and he realized it would be difficult to narrow down the project list. Mr. Wingfield added in any normal year the Town has 4 to 5 million dollars in capital, the current capital is 11.3 million dollars because it includes the 5.3 million dollar bond that the Town Council recently approved. Mr. Wingfield said the department heads are requesting 11 to 12 million per year over the next five years. Mr. Wingfield indicated the Town Manager would like to get that figure down to a realistic figure for the capital plan. Mr. Wingfield and the Town Manager plan on meeting with Town Council in the fall for their input on projects. Mr. Wingfield and the Town Manager will narrow down equipment themselves over the next 5 years.

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Review of the Capital Improvements Plan for the Fiscal Year 2013-2014 by Assistant Town Manager Randy Wingfield – (continued).

Commissioner Dorsett asked for the definition of the capital improvement program. Mr. Wingfield replied a plan for capital equipment and capital projects. Mr. Wingfield added the Town uses a $5,000 threshold for planning purposes. Commissioner Dorsett asked if they have a life span requirement. Mr. Wingfield replied no. Vice-Chairperson Powers stated storm drainage has become a priority. Vice-Chairperson Powers inquired how Mr. Wingfield sees the cost for storm water over the next 5 years. Mr. Wingfield stated the Town has been studying a storm water utility. Mr. Wingfield added staff would like Town Council to prioritize projects. Commissioner Huppert stated he would like to point out some major projects the Town Council did approve with the budget. These projects include the 3rd floor construction for the Police Department, replacement of the flooring at the Recreation Center and remodeling the Finance Department for security reasons. Vice-Chairperson Powers asked if a standard is required on replacing vehicles and heavy equipment. Mr. Wingfield replied the equipment is considered for replacement by approximate hours used and condition. Vice-Chairperson Powers asked for any other questions. Commissioner Huppert stated the personal property taxes are increasing. Commissioner Huppert added a 2% bonus was included in the budget for all full-time Town employees.

Work Session-Comprehensive Plan

Vice-Chairperson Powers opened the discussion in work session. Commissioner Dorsett made a motion to go into work session. Commissioner Parsons seconded the motion which passed 8-0.

The work session on the Appendix of the Comprehensive Plan was held.

Commissioner Dorsett made a motion to close the work session. Commissioner Parsons seconded the motion which passed 8-0.

Other Business

Vice-Chairperson Powers asked for any other business. Ms. Hair replied she has no other business. Vice-Chairperson Powers clarified the Development Subcommittee meeting will be held on June 24th at 6 pm. Vice-Chairperson Powers added the subcommittee will be working on downtown parking and they can take a few minutes to discuss off street parking ordinance amendment.

There being no more business Vice-Chairperson Powers adjourned the meeting at 8:31 p.m.

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Joe Powers, Vice-Chairperson Nichole Hair, Secretary Non-Voting

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