

**Christiansburg Planning Commission  
Minutes of August 15, 2016**

Present: Matthew J. Beasley  
Ann Carter  
Harry Collins  
David Franusich  
Hil Johnson  
Craig Moore, Chairperson  
T.L. Newell  
Joe Powers  
Sara Morgan, Secretary <sup>Non-Voting</sup>

Absent: Virginia Peeples  
Jennifer D. Sowers, Vice-Chairperson

Staff/Visitors: Andrew Warren, Planning Director  
Will Drake, staff  
George Gray, 45 Clearview Drive, N.W. and 30 Bower Street, N.W.  
Jo Gray, 45 Clearview Drive, N.W. and 30 Bower Street, N.W.  
Gary Gray, 30 Bower Street, N.W.  
Margaret Wright, 95 Bower Street, N.W.

Chairperson Moore called the meeting to order at 7:00 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia.

Public Comment.

Chairperson Moore opened the floor for public comment. With no comments, Chairperson Moore closed the floor for public comment.

Approval of Planning Commission Minutes for August 1, 2016 meeting.

Chairperson Moore introduced the discussion. Mr. Warren noted the minutes reflected the correction submitted by Commissioner Newell. Commissioner Beasley made a motion to approve the August 1, 2016 Planning Commission meeting minutes. Commissioner Johnson seconded the motion, which passed 5-0. Commissioners Carter, Collins and Franusich abstained, as they were not present for the previous meeting.

Public Hearing on a Conditional Use Permit request by George Gray for a commercial garage at 45 Clearview Drive, N.W. and 30 Bower Street, N.W. (tax parcel 526 – ((A)) – 46) in the B-3 General Business District. The commercial garage is proposed to front on Bower Street, N.W.

Chairperson Moore introduced the discussion. The applicant, George Gray, introduced his request. George Gray stated the garage was originally constructed and used as a hobby shop but his son, Gary Gray, now has a financial need to utilize the building for a commercial garage.

Gary Gray reviewed the conditions suggested by staff and discussed how the business operations would satisfy the conditions. Gary Gray stated the number of vehicles currently on the property will be reduced if the building is utilized as a commercial garage. Gary Gray explained he will only work on two or three vehicles at a time and they must be stored inside because they are valuable and often lack windows. Gary Gray noted he works on race cars and track cars that are not titled for street use.

Gary Gray stated the site plan improvements will include a paved parking area with six spaces and landscaping. Gary Gray stated he recently removed two truckloads of junk from the property and noted this is an ongoing project.

Gary Gray noted his work is low volume and will not generate large amounts of waste products. Gary Gray stated he intends to sell automotive parts online and perform technical inspections required by various racing governing bodies.

Margaret Wright, 95 Bower Street, N.W., stated she was concerned about the noncompliant vehicles currently on the property. Ms. Wright stated the meeting minutes from George Gray's Board of Zoning Appeals (BZA) hearing indicate the vehicles were to be removed a year ago. Ms. Wright stated she was also concerned with noise generated by the business and noted she cannot hear the garage operating at 75 Bower Street, N.W. Ms. Wright stated George Gray's garage appears to be operating and inquired if traps will be installed to catch oil and other fluids. Ms. Wright inquired if the garage will be properly ventilated if painting is conducted. Ms. Wright also inquired how long George Gray will be given to meet the conditions placed on the permit and if staff will ensure the conditions are met. Ms. Wright stated she wants George Gray to utilize his property but would also like the concerns taken into consideration.

Jo Gray, 45 Clearview Drive, N.W./30 Bower Street, N.W., noted she is Gary's mother and stated her family does not want to harm anyone in the neighborhood. Mrs. Gray stated the conflict with neighbors over their property had been difficult for her family.

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Commissioner Newell made a motion to amend the agenda to discuss the conditional use permit request before the proffer legislation discussion. Commissioner Collins seconded the motion, which passed 8-0.

Chairperson Moore asked if the property had any outstanding compliance issues. Mr. Warren stated staff received a complaint of a commercial garage operating at this location at the same time the Grays applied for a business license. Mr. Warren stated the Grays were advised a commercial garage would not be permitted until a conditional use permit was obtained. Mr. Warren stated a violation has not been issued but staff would pursue a zoning violation if the conditional use permit is denied and there are indications that a commercial garage is operating.

Mr. Warren stated the Grays will also need an approved site plan and noted the site plan will closely resemble the concept plan submitted with the application. Mr. Warren stated the Grays will need to work with the Building Official to ensure the structure meets Building Code requirements for a commercial garage.

Mr. Warren summarized George Gray's 2015 request for a setback variance along Bower Street and noted the variance was denied and the building was built to the required setback as an accessory structure to their single family house fronting on 45 Clearview Drive.

Commissioner Collins asked if the inoperable vehicles noted during the BZA hearing were removed. Ms. Morgan stated the property was brought into compliance after the BZA hearing and has since fallen back into noncompliance. Mr. Warren stated the Planning Department is aware of the inoperable vehicles and will follow up on this issue. Gary Gray stated the property will need to be sightly for his customers. George Gray stated the garage sits behind their home and they will invest in the required site improvements if the conditional use permit is approved. Chairperson Moore noted the pictures of the site indicate the property is not kept to the standards the applicant states it will be kept in the future.

Commissioner Franusich noted there will not be space for the RV and trailer if the site is developed in accordance with the concept plan. Gary Gray stated the RV and trailer will be stored on his property.

Commissioner Powers asked if the garage will be partially used as a hobby shop. Gary Gray stated the garage will be used solely for business. Chairperson Moore asked if the business would rebuild engines. Gary Gray stated no machine work or engine output testing will be done.

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Commissioner Johnson noted the lot has two addresses. Mr. Warren stated the additional address at 30 Bower Street, N.W. was assigned after the garage was constructed.

Mr. Warren stated he recently approved a Home Occupation for Gary Gray to conduct a mail order auto parts business at 45 Clearview Drive, N.W.

Commissioner Powers stated the single lot would contain a residential use and a business use. Commissioner Powers inquired how the development regulations will be delimited. Ms. Morgan stated the site plan requirements will apply to the portion of the property used for the business.

Commissioner Powers inquired if the site can accommodate the required greenspace and drive aisle width. Mr. Warren stated these provisions would be confirmed during the site plan review and indicated the site appears able to meet the greenspace and drive aisle requirements.

Commissioner Franusich asked if the fence and trees remain on the property. Gary Gray stated the fence and the trees on the southwest corner of the property have been removed.

Chairperson Moore asked Mr. Warren if cars could be painted as part of a commercial garage. Mr. Warren stated painting incidental to a commercial garage would be allowed. Mr. Warren stated the zoning ordinance does not define commercial garage or body shop and he would refer to previous determinations for guidance. Chairperson Moore asked Gary Gray if he intended to paint cars. Gary Gray stated there would be incidental painting but he does not intend to paint entire cars and would be fine with a condition allowing only incidental paint work.

Commissioner Powers asked Gary Gray how many cars he could store inside the garage. Gary Gray stated he does not intend to have more than two cars at once.

Commissioner Collins asked Gary Gray if he performs work for the Motor Mile Speedway. Gary Gray stated he does not and noted the garage will work on road race cars.

Commissioner Powers requested the greenspace calculations be detailed on the concept plan. Commissioner Newell requested the concept plan also include the parking space and drive aisle dimensions.

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Commissioner Beasley asked if the business will have employees. Gary Gray stated he has no plans to hire an employee but noted there is one particular person he may hire in the future.

Commissioner Newell noted that during George Gray's BZA hearing the former Planning Director had stated a site plan would be required before a business could be established. Ms. Morgan stated a conditional use permit would need to be approved before the applicant could submit a site plan for review and approval.

Commissioner Johnson asked Gary Gray if the cars have a state inspection sticker. Gary Gray stated they do not and noted they often do not have a title. Gary Gray stated customers will drop their cars off and take their trailer with them and noted there is not space for trailers to be stored on the property.

Commissioner Johnson inquired what constitutes an 'offensive' noise and noted everyone may have a different concept of the term. Mr. Warren stated noise concerns would be brought to staff's attention through complaints. George Gray stated there may be ten minutes of a loud engine being run during the loading process. Mr. Warren stated the property is zoned B-3 General Business but noted there is a large number of residences in the vicinity.

Commissioner Newell noted Bower Street, N.W. is narrow and was developed before zoning regulations. Commissioner Newell inquired how wide the road is and if on-street parking is regulated. Ms. Morgan stated she would check with the ordinance officer. Commissioner Newell stated she was concerned for the neighbors on Bower Street, N.W. if the business were to park vehicles or trailers on the street.

Commissioner Newell inquired about exterior lighting requirements. Gary Gray stated he would prefer to not light the building. Commissioner Newell stated her desire to preserve a buffer between the business and residential uses on Bower Street, N.W. Mr. Warren suggested wording that a condition could state that the lighting be residential in character to avoid typical taller, brighter lighting found in commercial areas.

Commissioner Newell asked how the Town would find out if the property changed ownership and the next business expanded the extent of a 'garage' use. Mr. Warren stated a complaint may uncover an expanded use or it may come forward during the business license application or compliance inspection. Commissioner Newell stated she wants to maintain public safety in a proactive manner with consideration that a business may expand into painting or machine work in the future and the street is narrow and the garage is in close proximity to residences.

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Commissioners Carter and Collins stated tying the conditional use permit to the land and not the current owner presents a number of problems.

Commissioner Franusich asked differentiates a service station from a commercial garage. Mr. Warren stated these uses are not defined in the zoning ordinance, but noted automotive repair has been historically associated with a commercial garage.

Chairperson Moore asked if Planning Commission would like to vote on the request tonight. Commissioner Beasley stated he would like a more detailed concept plan. Commissioner Johnson stated he would like an opportunity to visit the site.

Chairperson Moore stated Planning Commission will vote on this request on August 29, 2016 and Town Council will hold its public hearing on September 13, 2016.

Discussion of New Proffer Legislation, Virginia Code Section §15.2-2303.4.

Chairperson Moore introduced the discussion. Mr. Warren presented the recent changes to the Code of Virginia regarding a locality's ability to accept proffers during a residential rezoning application. Mr. Warren explained no Virginia locality shall request or accept any unreasonable proffer or deny a rezoning application based on the applicant's failure or refusal to submit an unreasonable proffer. Mr. Warren stated a proffer is unreasonable unless it addresses an impact attributable to a proposed new residential development or an offsite proffer addresses an impact to an offsite public facility to which the development creates a need or improvement above the current condition and receives a direct benefit from the proffer.

Mr. Warren stated if the Town is found to have suggested or required an unreasonable proffer the courts can force the Town to approve the rezoning and pay the applicant's legal fees.

Mr. Warren stated the Town must have clear, documented communication with an applicant and must avoid suggesting proffers or any course of action. Mr. Warren stated if proffers are desired by the applicant then the applicant must clearly demonstrate how the proffer addresses an impact of development or to an off-site facility beyond current capacity. Commissioner Powers stated the applicant has the burden to demonstrate the reasonable nature of the proffer.

Discussion of New Proffer Legislation, Virginia Code Section §15.2-2303.4 -  
(continued).

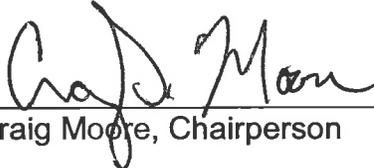
Commissioner Newell stated the Christiansburg schools are the most dated in the county and Montgomery County will face pressure to address the situation. Commissioner Newell stated full build-out within Christiansburg will put great pressure on the Christiansburg strand. Commissioner Newell inquired what type of impact study Planning Commission could request to measure the impact of new residential development on the school system.

Mr. Warren discussed the difference between cash proffers and impact fees.

Other business.

Chairperson Moore introduced the discussion. Ms. Morgan stated Commissioner Carter's term will expire at the end of August and she will need to be reappointed by Town Council. Commissioner Carter stated she would like to be reappointed.

There being no more business, Chairperson Moore adjourned the meeting at 9:06 p.m.

  
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Craig Moore, Chairperson

  
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Sara Morgan, Secretary Non-Voting