

**MINUTES OF THE MEETING OF THE TOWN OF VINTON PLANNING COMMISSION
HELD ON TUESDAY, MAY 23, 2006, AT 7 P.M., IN THE COUNCIL CHAMBERS AT THE
VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET.**

COMMISSION MEMBERS PRESENT: Bruce Mayer, Chairman
Joan Drewery, Vice Chairperson
Dave Jones
Dawn Michelsen
Bob Patterson

STAFF PRESENT: Anita McMillan, Planning and Zoning Director
Karla Turman, Associate Planner
Julie S. Tucei, Planning and Zoning Secretary

OTHERS PRESENT: Silas Witt, Vinton
Rickie Casey, Petitioner, Vinton
Mary Robinson, Vinton
Michael Tingler, Petitioner, Vinton
Don Tingler, Vinton

PUBLIC HEARING AGENDA

I. Call to Order

II. Approval of Minutes: March 2, 2006 and April 11, 2006

III. Public Hearing Petition

- 1. Petition of Rickie Dale Casey, 1009 S. Pollard Street, Vinton, for a rezoning of the adjoining parcels, located off 3rd Street, Vinton, Tax Map Number 60.19-1-14 and a portion of Tax Map Number 60.19-1-15, from R-2 Residential District to M-2 General Industrial District. The rezoning would allow the property to continue to be used for a contractor/construction equipment storage yard. (Continued from 3/2/06)**
- 2. The petition of Michael S. Tingler, to rezone three parcels, 529 East Jackson Avenue, and the two adjoining vacant lots, tax map numbers 60.16-8-25 and 60.19-8-24, from GB General Business District to R-2 Residential District for the construction of single-family dwellings on the vacant lots.**

IV. Other Business

V. Adjournment

The meeting of the Planning Commission was called to order at 7:01 p.m. by Chairman Mayer. Roll was called and all members were present.

The first item on the agenda was the approval of minutes from meetings that were held on March 2, 2006, and April 11, 2006. There were no additions or changes to those minutes; therefore, Ms. Drewery made a motion to approve both sets of minutes as submitted. Mr. Patterson seconded the motion. A roll call vote was taken and all members voted in favor of it.

Chairman Mayer asked for the first public hearing petition from Rickie Dale Casey to be heard. He instructed Ms. McMillan to present the petition. Ms. McMillan stated that the petition had been continued from the March 2, 2006, meeting. She explained that it had been continued because the advertisement for that meeting had not included all of the property that was to be rezoned. She said that the Planning and Zoning Department had recently received a proposed resubdivision for the property. Ms. McMillan stated

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that Mr. Casey had not proffered any conditions, but that the Planning Commission may impose conditions or can ask Mr. Casey to proffer conditions. She mentioned that Mr. Casey may need to provide a buffer of 50 feet with solid fencing or evergreen trees for screening if the topography of the lot does not provide natural screening. She mentioned that, along 3rd Street during the winter when the leaves are gone, some of the materials stored on the lot may be seen. She asked them whether they wanted to impose screening as a condition or whether they wanted to ask Mr. Casey to proffer it. Chairman Mayer asked if the zoning ordinance would address the screening. Ms. McMillan said that the zoning ordinance would only address screening on the portion near the residential areas. Ms. Michelsen asked how many feet would be required for the buffer area. Ms. McMillan stated that 50 feet would be required for the buffer. Chairman Mayer asked what other uses would be allowed in the M-2 Zoning District. Ms. McMillan stated that there were a lot of uses that are allowed in M-2, and those uses include the uses allowed in the M-1 and General Business Districts. Chairman Mayer next asked for Mr. Casey, the petitioner, and Mr. Witt to come forward to discuss the request. Mr. Witt asked where the fence for the buffer would be required. Ms. McMillan showed on an aerial map where it may need to be located. She also explained the buffer area and showed on the aerial where it may need to be located. Chairman Mayer asked if there was a building on the property. Mr. Casey said he would like to construct a building on the lot and showed them on the proposed plat where he would like to put the building. Chairman Mayer mentioned that Mr. Casey was asking to be changed from R-2 Residential to M-2 General Industrial and that the heaviest of uses are allowed in M-2. Mr. Casey said he only wants to use the property to store construction materials and machinery for his business on it. Chairman Mayer told Mr. Casey that he has the right to say that is all he wants to do with the property by proffering that as a condition. Mr. Casey agreed to proffer that condition. Chairman Mayer accepted Mr. Casey's proffer that excluded the rest of the uses allowed in M-2. Chairman Mayer asked if anyone else in attendance had anything to add. No one else had any other questions or comments. Ms. McMillan told Mr. Casey that staff would be glad to assist him with the proffered condition, which needs to be submitted by Friday. Ms. Michelsen asked what would happen if Mr. Casey sells the property. Chairman Mayer told her that the rezoning and conditions stay with the property. Chairman Mayer asked if Mr. Casey repairs his own equipment. Mr. Casey said that he does repair his own equipment when necessary. Ms. McMillan stated that he would be allowed to repair his own equipment and vehicles, but would not be able to repair them for the public. Mr. Casey said he does not want to repair other peoples' vehicles or equipment. There was no further discussion on the request, so Chairman Mayer asked for a motion. He reminded them that they would just be making a recommendation to Town Council, and that Town Council would have the final say over whether the request is approved or not. Mr. Jones made a motion to recommend that Town Council change the zoning with the condition Mr. Casey proffered for the exclusion of all uses except for his construction business materials and equipment storage. Mr. Patterson seconded the motion. A roll call vote was taken and all members voted in favor of the motion made by Mr. Jones. Mr. Casey and Mr. Witt were thanked for coming to the meeting.

The next item on the agenda was the petition of Michael S. Tingler, to rezone three parcels, 529 E. Jackson Avenue, and the two adjoining vacant lots, tax map numbers 60.16-8-25 and 60.16-8-24 from GB General Business District to R-2 Residential District. The purpose of the request is to allow the construction of single-family dwellings on the vacant lots. Chairman Mayer asked Ms. McMillan for the staff report. Ms. McMillan stated that Mr. Tingler requests the rezoning of two vacant lots and one lot with a house on it to R-2 Residential. She said Mr. Tingler intends to build two new houses and also improve the existing house. Ms. McMillan said that the Town's attorney had confirmed that the vacant lots were actually two

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separate lots—5 and 6. She said the properties are zoned GB General Business. Ms. McMillan said that the lot sizes may not be conducive for a business use. She mentioned that the existing house on one of the lots is a legal, nonconforming use. If the house was vacant for more than 2 years or was damaged or destroyed beyond 50 percent of its assessed value, it would not be able to be used as a single family residence any longer. Ms. McMillan gave an overview of the surrounding properties and their zoning and current uses. She said that Mr. Tingler proposes to construct a 36 feet by 24 feet single family residence on each lot, and said that access to the homes will be provided off East Jackson Avenue. She mentioned that the houses can be built 20 feet to 25 feet from the front property line since the houses will be on infill lots. Ms. McMillan stated that Mr. Tingler is proposing the single family dwellings because the lots are not big enough for duplexes. Chairman Mayer asked to see the zoning map. Ms. McMillan showed them Mr. Tingler's properties and surrounding properties on the zoning map. Mr. Tingler mentioned that he had bought the property knowing it was zoned GB General Business and that he had purchased it from Mr. Belcher's descendants. He stated that he felt that the lots were not big enough for business uses. He said the houses he proposes to build would be similar to the ones Mr. Greenway had recently built across the street. Chairman Mayer asked if anyone had any questions about the request. Ms. Robinson, at 513 E. Jackson Avenue, said she lives nearby and feels ok about the request. She said her only concern was runoff. She said they already have a water problem in that area and that she even had to put a ditch in to keep water out of her house. Chairman Mayer said it is low there. Ms. McMillan showed on the aerial map where Ms. Robinson lives. Mr. Jones asked if Ms. Robinson knew how the other neighbors felt about the request. Ms. Robinson said that they wanted to make sure that the Commissioners knew there is a water problem there already. Ms. Robinson was informed that Roanoke County will require Mr. Tingler to control the runoff from his construction site. A gentleman came in to the meeting and was asked to give his name. He said he was Mr. Tingler's dad, Don Tingler, of 1830 Temple Drive, Vinton. Ms. McMillan stated that Mr. Anderson and his sister, Mr. Belcher's stepson and daughter, were unable to attend this meeting. However, they wanted the Commissioners to know that they are for the rezoning. Ms. McMillan stated that they live in Roanoke City but still own the grocery store and upholstery shop that adjoin Mr. Tingler's lots. Chairman Mayer stated that he did not think any business would go on those lots. Chairman Mayer asked if any one had any questions about the request. Ms. Michelsen asked if Mr. Tingler would be required to upgrade the water and sewer. Ms. McMillan said he will have to connect to the public water and sewer; otherwise, he will not be able to build the houses. Mr. Tingler, who has already contacted Public Works, said that there is already water near the properties. Chairman Mayer said, in regards to the existing house, it is very difficult to get insurance if a property is not properly zoned. With there being no further discussions on the request, Chairman Mayer closed the public hearing and asked for a motion. Ms. Michelsen made a motion to recommend that Town Council accept the request for rezoning by Mr. Tingler. Ms. Drewery seconded the motion. A roll call vote was taken, and all members voted in favor of the motion. Mr. Tingler's request will be heard at the next Town Council meeting in June.

In other business, Chairman Mayer mentioned that the sign committee would meet next Tuesday, May 30th, at 6 p.m. to discuss the proposed changes to the sign ordinance. Mr. Jones and Ms. Drewery will represent the Planning Commission on the sign committee.

With there being no further business, the meeting was adjourned at 7:40 p.m. by Chairman Mayer.

Respectfully Submitted,

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Anita McMillan
Planning Commission Secretary