

**MINUTES OF THE MEETING OF THE TOWN OF VINTON PLANNING COMMISSION
HELD ON TUESDAY, JANUARY 8, 2013, AT 6:00 P.M., AT THE
VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET.**

MEMBERS PRESENT: **Dave Jones, Chairman
 Bill Booth
 Paul Mason**

MEMBERS ABSENT: **Dawn Michelsen, Vice Chairperson
 Bob Patterson**

STAFF PRESENT: **Anita McMillan, Planning and Zoning Director
 Karla Turman, Associate Planner/Code Enforcement Officer
 Julie S. Tucei, Planning and Zoning Coordinator**

OTHERS PRESENT: **T. Preston Lloyd, Jr., Williams Mullen**

AGENDA:

- I. Call to Order**
- II. Election of Officers**
- III. Approval of Minutes:**
 - a. Public Hearing – November 3, 2011**
 - b. Work Session – March 8, 2012**
- IV. Brief Summary:**
 - a. Petition of Williams Mullen, authorized agent for Clearview Manor Acquisition, LLC, for a rezoning of Clearview Manor Apartments, 1150 Vinyard Road, tax map number 61.17-2-7, from GB General Business District to R-3 Residential District. The rezoning request is for a property that already developed with apartment units.**
 - b. Petition of Williams Mullen, authorized agent for Clearview Manor Acquisition, LLC, for a Special Use Permit (SUP) for Clearview Manor Apartments, 1150 Vinyard Road, tax map number 61.17-2-7. The SUP request is for a property that already developed with apartment units.**
- V. Planning Commission Meeting Dates and Work Program for 2013**
- VI. Other Business**
- VII. Adjournment**

The meeting of the Vinton Planning Commission was called to order at 6:25 p.m. by Chairman Jones. As noted above, three members were present and two were absent.

The first item on the agenda was the election of officers. It was decided by those in attendance to hold off on the elections until a full board is present.

Next, was the approval of minutes from a public hearing held on November 3, 2011, and a work session held on March 8, 2012. Chairman Jones stated that he had read both sets of minutes, and they looked ok to him. Mr. Mason agreed; therefore, he made a motion to approve both sets of minutes as submitted. Mr. Booth seconded the motion. All members present were in favor of the motion to approve both sets of minutes as submitted.

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The next item on the agenda was a brief summary of the Clearview Manor rezoning and special use permit requests. Ms. McMillan stated that the apartments have been there since the 1970s. She said that she sent a copy of the requests to public works and the police for review and comments. Ms. McMillan showed those in attendance where Clearview Manor is located on the zoning map. Currently, the property is zoned GB General Business. In 1995, the entire zoning ordinance was revised. Based on Town records, the property has always been zoned either BG Business General or GB General Business. Mr. Lloyd, the owner's representative, gave some background information on the requests. He said a loan was applied for by purchaser for more than \$3.5 million. The lender requested a zoning verification letter which Ms. McMillan provided to them. It turned out that the property is considered as a legal nonconforming use, and if damaged or destroyed beyond fifty percent of the assessed value, it would need a special exception from the BZA in order to be rebuilt. Mr. Lloyd said that is the reason behind their requests. Mr. Booth asked if the surrounding properties were also zoned GB. Ms. McMillan explained that most are, but Clearview Manor, if rezoned would be R-3 Residential. She stated that no zoning of other properties would be changed at this time. Chairman Jones asked if they would be expanding Clearview Manor. Mr. Lloyd said the same amount of units will remain, and that they will just be doing some renovations to the existing building and units. Chairman Jones asked if the adjoining property owners had been notified. Ms. McMillan stated that the letters were mailed out today, March 8th. Mr. Lloyd mentioned that there would be no change to the footprint of the building. Mr. Booth said he had lived in that area for about 15 years before they built Clearview Manor. He said after it was built he hardly even knew it was there. Chairman Jones inquired about the possibility of it being spot zoning if changed to R-3. Ms. McMillan stated that she asked the Town attorney to look into it. Mr. Lloyd mentioned that one defense to spot zoning is if the change is in line with the comprehensive plan. However, Ms. McMillan said she believed that the comprehensive plan calls for general commercial in that location. Mr. Booth asked if there was a reason the rezoning should not be done. Ms. McMillan said if the property was vacant there would be more reservation to changing it. However, she said that this property has been developed with the apartments for quite some time, so rezoning it may be justified. Mr. Booth said that, since the place had been there since 1978 and had been a good neighbor, he felt that it should be changed so that if it burned down they would be able to rebuild. Ms. McMillan again mentioned that the property is designated as general commercial in the comprehensive plan--council wants to make sure there is enough commercial property within the town for its tax base. It was mentioned that the property is about 4.69 acres. Chairman Jones asked how many units are there currently. Mr. Lloyd said there are 101 units. He mentioned that they have been directed by the lender to do their best to have the property rezoned. He said they are within the allotted number of units per acre, and actually are below the 108 units that would be allowed under current R-3 zoning. Ms. McMillan said, if it is rezoned, they could add 7 more units to the building without having to get a variance from the BZA if they wished to do so. Mr. Booth asked how many bedrooms are in each unit. Mr. Lloyd said they are mostly one bedrooms from his understanding. Ms. McMillan said the owners are currently working to improve their fire protection. The existing water tank is on another property where Berkshire Healthcare is located. Mr. Lloyd said now that the Clearview Manor property has been sold and is no longer owned by the same people as Berkshire, it does not make sense to share the fire protection water source. Chairman Jones said he appreciated Mr. Lloyd coming to the meeting to provide his input. Mr. Lloyd

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said this request is very important to his client and he wanted to be at this meeting on their behalf. Chairman Jones reminded Mr. Lloyd that the public hearing would be held soon. Ms. McMillan said the Planning Commission Public Hearing will be held on February 7th. A work session will be held by Town Council on February 5th, and their public hearing would be held on February 19th. Mr. Booth asked if \$3.5 million from the loan will all be put into building renovations. Mr. Lloyd said a portion of the \$3.5 million was used to acquire the property, and the remaining monies would be used to renovate the property. Mr. Booth said he felt that it would be good to update the zoning of this property. Chairman Jones thanked Mr. Lloyd again for coming to the work session. Mr. Lloyd reminded them that planning staff has his contact information if they have any further questions or receive any comments or questions from citizens.

Next, was a brief discussion of upcoming meetings and the work program. They were reminded of the February 7th Public Hearing for the Clearview Manor requests. Also, a tentative date of March 7th was selected for the CIP work session with the Town Treasurer. Ms. McMillan asked that they tentatively plan on the 1st Thursday of each month up to 6 total times for the year for Planning Commission meetings. Chairman Jones pointed out that the meetings are economy driven--when the economy is good, there are more meetings. Ms. McMillan said they may also need to meet about Mr. Vinyard's property, perhaps to rezone it to CB Central Business from GB General Business. She said they have to consult with the Town attorney first to make sure that it would not be considered downzoning to go to CB.

Last on the agenda was other business. Ms. McMillan reminded them that the Town has received the \$700,000 CDBG grant for the Downtown Project. She mentioned that Mr. Vinyard's property was one of the white elephants identified during the preliminary downtown study process. She stated that some council members wanted to look into rezoning it to CB from GB because of the grant that was received and the possible gateway and corridor improvements. Ms. McMillan said there are uses allowed in GB that Council might be concerned with at the gateway to downtown.

Ms. Turman mentioned that Council is ready to proceed with demolition of 123 Gus Nicks Boulevard. Chairman Jones asked if someone still lives there. Ms. Turman said the house been vacant since 2010 or so. She said the Town would place a lien on the property to cover the costs of the demolition. Ms. Turman said the house is overgrown with ivy/vines—even inside the house.

There was also a brief discussion of a gentleman who wanted to rent a few of the Town-owned properties on Booker Avenue. Ms. Turman said that he was informed that trailers he currently has parked on his property and in the railroad right-of-way would need to be brought up to operable condition. She said he was told that, if the town allowed him to lease the properties, the trailers that would be stored there would need to be in operable condition due to being in the flood hazard area.

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There was nothing further to be discussed; therefore, the meeting was adjourned at 7:30 p.m. by Chairman Jones.

Respectfully Submitted,

Anita McMillan
Planning Commission Secretary