

**MINUTES OF THE MEETING OF THE TOWN OF VINTON PLANNING
COMMISSION HELD ON THURSDAY, MARCH 7, 2013, AT 6:00 P.M., AT THE
VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET.**

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

MEMBERS ABSENT: **Dawn Michelsen (arrived 6:15p.m./left at 6:30 p.m. due to illness)
Bob Patterson**

STAFF PRESENT: **Chris Lawrence, Town Manager (work session)
Barry Thompson, Finance Director/Treasurer (work session)
Anita McMillan, Planning and Zoning Director
Karla Turman, Associate Planner/Code Enforcement Officer
Julie S. Tucei, Planning and Zoning Coordinator**

OTHERS PRESENT: **Trey Boyd, Petitioner, 238 Elm Street/814 2nd Street, Vinton
Roger Overstreet, 809 S. Pollard Street, Vinton
Troy Hicks, 545 Olney Road, Vinton
Jason Varney, Petitioner, P.O. Box 19624, Roanoke 24019**

AGENDA:

WORK SESSION

- I. Call to Order**
- II. Work Session – CIP FY 2013 – 2018 Requests Discussion**
- III. Consent Agenda: Tentative Date(s) April 4 or April 11, 2013**
 - 1. Proposed Amendment to the Town of Vinton Zoning Ordinance, Article IV, District Regulations, Division 8. M-1 Limited Industrial District, Section 4-40. Permitted uses and structures (b) *Special Uses* (3) Storage lots for the parking of motor vehicles which are being held in the custody of a law enforcement agency or financial institution, but not including automobile graveyards, and provided that individual vehicles shall not be stored for periods exceeding ~~30~~ 90 days.**
 - 2. Stormwater Management Ordinance – Tentative.**
- IV. Comments of Planning Commissioners and Planning Staff**
- V. Adjournment**

EVENING SESSION

- VI. Call to Order**
- VII. Approval of Minutes:**
 - 1. January 8, 2013 Meeting**
 - 2. February 7, 2013 Meeting**
- VIII. Public Hearing Petitions:**
 - 1. Petition of Trey Boyd, t/a Scorpion Towing & Recovery, authorized agent, to amend Ordinance No. 871, adopted October 4, 2005, Special Use Permit (SUP) to operate a police impoundment storage lot at 814 2nd Street, tax map number 060.19-02-16, zoned M-1 Limited Industrial District. Petitioner requests that SUP be amended to allow storage of vehicles repossessed by financial institutions, and safe storage of vehicles purchased by a dealership. No vehicles**

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shall be stored for more than 30 days.

- 2. Petition of Jason M. Varney, t/a Consolidated Real Estate Enterprises, LLC, authorized agent, for a Special Use Permit (SUP) to convert a single-family dwelling, located at 134 West Augusta Avenue, tax map number 060.15-05-18, zoned RB Residential Business District, into a two-family dwelling.**
- 3. Proposed amendment to the Town of Vinton Zoning Ordinance, Article VI. Nonconforming Uses and Features, Section 6-1 through Section 6-9.**

IX. Citizens Comments

X. Comments of Planning Commissioners and Planning Staff

XI. Adjournment

The meeting of the Vinton Planning Commission was called to order at 6:05 p.m. by Chairman Jones. As noted above, three members were present and two were absent.

The first item on the work session agenda was the discussion of the CIP FY 2013 – 2018 requests. A copy of the complete CIP spreadsheet will be made a part of the permanent record for this meeting. Mr. Lawrence began the presentation with a brief summary. He stated that they had adjusted and put off a lot of items due to the budget. He mentioned that Town Council does not want to raise taxes at this time. Therefore, the policy has been to wait until things break, then fix them, rather than proactively replacing them. He said there had been a new chiller installed in the firehouse recently when the old one finally broke down. Mr. Lawrence mentioned that some police cars had been obtained, which included nine new Dodge Chargers, off the state contract. He said that the budget is operational driven, and he plans to suggest that Council consider enhancing revenue soon. Mr. Lawrence went over the top requests beginning with the general fund. The first priority is the Walnut Avenue corridor project, which includes building a new bridge. He stated that the Town is obligated to fund that project. The second priority is funding for technology including servers that need to be replaced and the use of laserfische to scan documents into the new servers. Mr. Lawrence said the Town is currently paying for storage space to keep old paper files. The third priority is an asphalt roller for Public Works to use to repair our roads. The fourth priority is the pedestrian connection along Tinker Creek Greenway. Mr. Lawrence stated that the Town would be matching donated funds received from Novozymes. The fifth priority is to replace a dump truck body with a hook lift. The sixth priority includes some minor street improvements along Virginia Avenue, Hardy Road, Pollard Street, Washington Avenue, Bypass Road, and Preston Avenue. The seventh, eighth, and ninth priorities are for minor improvements, such as painting and carpeting, to the fire station and EMS crew hall. The tenth priority is to replace the police department's speed trailer. The eleventh priority is maintenance and repairs for the swimming pool. The twelfth priority is the purchase of City Works Asset Management Software for Public Works. The thirteenth priority is the purchase of a whole building water softener for the War Memorial to protect the commercial grade kitchen appliances like the dishwasher and ice machine. Next, Mr. Lawrence discussed the requests for the water and sewer fund. He stated that it is a separate fund from the general fund, and that an increase in water rates will help pay for the requested items. The first priority for the water and sewer fund is to replace the generator for the Town's sewer pump station. He stated that they would like to have a portable generator that could also be used to run the water pump stations during

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emergency power loss situations like the one that occurred during last year's derecho storm. The second priority is for a new small sewer camera, as the old one is not in good working order. The third priority is replacement of water lines in the Jefferson, Cleveland, and Jackson Avenues area. Mr. Lawrence stated that the water lines in this area have very low water pressure due to very small lines that are about one to two inches in diameter. He said that they are the original water lines that were installed when the area was developed. He mentioned that the former Roland E. Cook School has a lot of potential for redevelopment in that area. The fifth through eighth priorities are for equipment that needs to be leased over five years, including a backhoe and some pickup trucks. The ninth priority is the purchase of City Works Asset Management Software. Mr. Lawrence mentioned that stormwater needs are coming in the near future. He asked if they had any questions regarding the CIP. Mr. Mason asked if they had planned in the technology request for the purchase of computers, including laptops, etc. Mr. Thompson explained that those purchases are funded in each department's budget. He said items that are under \$5,000 are taken from the operating budget. Mr. Booth said that he felt that they know what they need and in what order they need it; therefore, he made a motion to approve CIP order as presented by Mr. Lawrence. Mr. Mason asked about the cost of the City Works software. Mr. Thompson said the cost is about \$45,000, and the cost will be split between the general fund and water sewer fund. Mr. Booth's motion was seconded by Mr. Mason. A roll call vote was taken and all three members present voted in favor of the motion.

Final comments from the worksession were heard. Ms. McMillan instructed Chairman Jones to ask the petitioners during the public hearing if they want to continue their request due to only having three members present. She said two votes for and one vote against a request would still be considered a denial.

Chairman Jones asked Mr. Lawrence if there was anything quick and cheap that could be done for the kids who enjoy skateboarding. He mentioned the old Steve's Garage lot that kids are using now for skateboarding. Chairman Jones asked if the old equipment that was in the Gearheart Skate Park was still available for use. Mr. Lawrence stated that the Town had donated that equipment to a local non-profit, but he is not sure whether or not it was currently in use by them. He mentioned that youth recreation is on Council's list. Chairman Jones said he is concerned about the Town's liability in allowing the kids to continue to use that lot for skateboarding.

The work session was adjourned at 6:55 p.m. by Chairman Jones.

The evening session was called to order at 7:03 p.m. in the Council Chambers by Chairman Jones. As noted previously, three members were present and two were absent.

Chairman Jones began the meeting by announcing to those in attendance that they normally have five members present, but due to medical reasons would only have three tonight. He stated that the way the rules are written, if only three members are present, the petitioners will have to obtain all three votes for their request to be considered as a recommendation to approve to Council. Chairman Jones said each petitioner can decide whether or not to proceed with their cases at tonight's meeting or to postpone

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them until there is a full commission present. He said the petitioners have the right to ask for a continuation.

The next item on the agenda was the approval of minutes from the January 8, and February 7, 2013, meetings. There were no corrections or additions to either set of minutes; therefore, Mr. Booth made a motion to approve the minutes as submitted. The motion was seconded by Mr. Mason. A roll call vote was taken, and all members present voted in favor of the motion to approve both sets of minutes as submitted.

Next, was the first public hearing petition on the agenda. Chairman Jones asked if the petitioners would like to proceed with just the three members of the Planning Commission being present. Mr. Troy Hicks asked if they will have the right to petition again if their request is turned down tonight. Ms. McMillan explained to him that the Planning Commission is just an advisory board, and Town Council will, at a future public hearing, make the final decision on the request. Mr. Hicks stated that he would like to proceed with their request tonight. Chairman Jones read the full request: Petition of Trey Boyd, t/a Scorpion Towing & Recovery, authorized agent, to amend Ordinance No. 871, adopted October 4, 2005, Special Use Permit (SUP) to operate a police impoundment storage lot at 814 2nd Street, tax map number 060.19-02-16, zoned M-1 Limited Industrial. The Petitioner requests that the SUP be amended to allow storage of vehicles repossessed by financial institutions, as well as to allow for safe storage of vehicles purchased by a dealership. In any case, no vehicles shall be stored for more than 30 days. Ms. McMillan stated that the request should read "limited industrial district", not "limited business district". Ms. Turman was asked to present the staff report, a copy of which will be made a part of the permanent record. During the reading of the staff report, she corrected the ordinance number from "871" to "824". Ms. Turman displayed an aerial map showing both requests on tonight's agenda. Then, she showed an aerial photo of the actual lot used for the storage of vehicles. She mentioned that the lot is surrounded by industrial uses located in the M-1 Limited Industrial District, mostly consisting of garages and auto uses/repair. She said that there are also some RB Residential Business and R-2 Residential District properties nearby. Next, Chairman Jones asked the petitioner to speak on his request. Mr. Trey Boyd, of 814 2nd Street, stated that he wants to resolve the situation in which they have found themselves. He stated that he tows repossessed vehicles, and also works with an auto dealership located next door to store a portion of their vehicles temporarily. He said he also stores vehicles towed through AAA, usually overnight only or over a weekend. Additionally, he tows and stores police impounds. Mr. Mason asked him to explain about the storage of the dealership's cars. Mr. Boyd stated that the dealer buys them at auctions and details them at the shop next door before placing them on another lot for sale. He said that the dealer needed a place to store the cars they have waiting to be detailed. Mr. Boyd said that as far as the repos, they don't stay on his lot very long. Chairman Jones mentioned that when he drove by the lot recently, there were about 30 cars on it. Mr. Boyd stated that some are the dealership's cars, some are repos, and some are police impounds. He mentioned that there were a couple that had been cut up by the Vinton Fire Department for practice, and he has plans to move those out very soon. Some of the vehicles located on the lot are his employees' cars that are tagged and insured. Chairman Jones asked about all the cars that were packed in on the right hand side of the lot, and Mr. Boyd said those were all police impounds. He said he had

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originally planned to let the Vinton Fire Department practice on some of those vehicles as well. Mr. Booth asked if any complaints had been received about the lot. Mr. Boyd said he had not received any. Ms. Turman said staff and Town Council had received complaints that non-police impound vehicles, including inoperable and wrecked cars, were being stored there. Mr. Booth asked about the status of the violation on the lot. Ms. Turman stated that the violation is stayed and no enforcement actions will take place until after Council makes its final decision on this request. Ms. McMillan stated that, per state code, the Town Zoning Ordinance will be amended to allow storage of impounded vehicles for not more than 90 days. Mr. Booth asked what kinds of adversities would be caused for the petitioner if Town Council denies his request. Mr. Boyd said that, if it is not approved, he will have to find another location in Roanoke City or County. He stated that this lot would only be able to be used to store police impounds, and he said he would definitely need the proposed 90 day limit for storage of them. Ms. McMillan said that the original SUP allows police impounds and that the Zoning Ordinance is going to be amended in May to allow impounds to be stored for not more than 90 days. Chairman Jones asked if any other citizens would like to speak on this request. Mr. Roger Overstreet owns the garage behind the detail shop at 809 S. Pollard Street. He said his only concern/complaint is that he is constrained to keeping a car for a maximum of three days behind a fence or it has to be removed. Also, he stated that he cannot work on his vehicles outside of the building. He said that if this request is approved, they are going to be allowed to do something on their lot that he is not allowed to do on his lot. Chairman Jones asked that he specifically address his comments to 814 2nd street, not his own lot. Mr. Overstreet presented a letter from owner of 709 S. Pollard which stated that he is against the request. Ms. McMillan stated that the letter must be notarized if the owner is not present at the meeting or did not present the letter to staff in person. Mr. Overstreet stated that he objects to the car dealership parking their cars on this lot because they don't allow other businesses to store their cars outside. Ms. McMillan mentioned that other businesses or property owners can have the right to the same SUP process. Mr. Troy Hicks, senior tow operator at Scorpion Towing, said Ms. Turman told them about the lot on 2nd Street, and they moved there from a previous location in Vinton where the business was not allowed at all. Mr. Hicks said that he does not understand how people can differentiate between the different vehicles on the lot as to which are police impounds and which ones are not. He pointed out that there have only been two complaints one to council and one tonight. Ms. Turman stated that staff has no way to really know which vehicles are impounds. However, when the complaint came in and was investigated, there were crushed vehicles and a couple of vans that would not be impounds. Mr. Boyd stated that the vans can be moved next week if necessary. He reiterated that no cars are being sold there off the lot, that it is just storage for a dealership's detail shop. Mr. Booth asked if the comparison between the tow lot and the Overstreet property, referring to Mr. Overstreet's comments, is like comparing apples to apples or apples to oranges. Ms. Turman showed them Mr. Overstreet's property on the aerial map. She stated that the way the building was built, the parking is limited. Mr. Overstreet mentioned that he cannot ask for a SUP to store inoperable vehicles and parking of vehicles. Mr. Hicks asked for the definition of an inoperable vehicle. Ms. Turman said it would be anything that cannot be driven legally on the street due to parts, tags etc. She stated that, in Mr. Overstreet's situation, an inoperable vehicle can be stored outside for three days to allow time for him to get parts and fix it. After that, it has to be completely screened from view by shrubs or board fence. Mr. Hicks asked if a car cover can be used to screen an inoperable vehicle. Ms. Turman said a car

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cover does not suffice, but also said she if she cannot see it and did not see it before covered, then there would not be much that can be done. Mr. Overstreet said he could not understand why he cannot talk about his situation as it relates to the request tonight. Chairman Jones stated that Mr. Overstreet should speak only to the specific request and why he thinks it is a bad or good idea to recommend approval of the request. Mr. Overstreet said he would just leave the meeting if he is not allowed to speak, and he did leave at that time. Mr. Hicks asked again if the 30 day limit for storage of impounds will be amended to allow 90 days. Ms. Turman said state code currently allows 60 days storage, and staff feels that 90 days would be a reasonable amount of time. There were no further comments from the petitioner or citizens about the request; therefore, Chairman Jones closed public hearing at 7:45 p.m. Mr. Booth said the way he feels about it is that the petitioners are going about everything with the right intentions and motives. He stated that he is in favor of sending it to Town Council recommended for approval. He said he could not see what harm it would do in that area. A motion to recommend approval of the request by Town Council was made by Mr. Booth. Mr. Mason said the Planning Commission looks at what is best for Vinton and its people. He said one complaint about the tow lot over the last year is not much, and in his opinion it should be approved. Mr. Mason seconded the motion made by Mr. Booth. Chairman Jones said that he feels it should also be approved with two stipulations – one that the chain link fence needs to be maintained—they should not allow vines to grow on it. They should keep the fence in good repair. The second stipulation he recommended is that they abide by the time limits for storage of the vehicles. Mr. Booth asked for the lot size. Mr. Boyd said the lot is approximately $\frac{3}{4}$ of an acre. Ms. Turman stated that it is 0.59 acres. A roll call vote was taken, and all three members voted in favor of the motion to recommend that Town Council approve the request. Ms. McMillan stated that it will be forwarded to Town Council as recommended for approval, and Town Council will hear the request at an upcoming meeting.

The next request is the petition of Jason M. Varney, t/a Consolidated Real Estate Enterprises, LLC, authorized agent, for a Special Use Permit (SUP) to convert a single-family dwelling, located at 134 West Augusta Avenue, tax map number 060.15-05-18, zoned RB Residential Business District, into a two-family dwelling. Chairman Jones asked for the staff report first. Ms. Turman gave her report, a copy of which will be made a part of the permanent record. Ms. Turman pointed out on the aerial map some sizes of lots with duplexes on them in the area nearby, as a comparison to this property. A copy of the aerial map showing the different lot sizes will be made a part of the permanent record. Chairman Jones opened the public hearing. Mr. Jason Varney, the owner of the property, spoke first. He stated that this property is located in a good neighborhood. Mr. Varney said he wants to bring this home up to the standards of the other homes in the neighborhood. He said the housing crisis increased the demand for quality rental property. He stated that he is aware of the requirements of converting it to a duplex as far as the fire code and building code. Mr. Booth asked if it was an upstairs unit and downstairs unit duplex. Mr. Varney stated yes. He said they have already consulted an architect, and the firewall would be in the ceiling of the lower unit. He mentioned that the upper unit has its own entrance at the rear of the property. Mr. Mason asked Mr. Varney, if his request is approved, approximately how long it would take to do all that will be required to convert it to a duplex. Mr. Varney said it will take about 60 days. Mr. Mason asked if tenants would be in the duplex within 6 months. Mr. Varney said he would have tenants within 4 to 6 months. He mentioned that they have begun necessary work on the

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house that is needed, regardless of the outcome of these proceedings. Mr. Booth asked if a lot size of 12,000 square feet is the minimum requirement for a duplex. Ms. Turman said 12,000 square feet is the lot size that is required. He asked if she pointed out some duplex properties in the area on the aerial map that have less than the required 12000 square feet. Ms. Turman had previously indicated those, but showed them again on the aerial map. Mr. Varney stated that he wants to be able to help two families instead of just one family with quality housing. He said they do background checks on anyone to whom they rent property. Mr. Hicks asked when the grandfathering on the property ended. Ms. McMillan stated that it was a single family house since 1998. The square footage of the lot and building code requirements are what is keeping them from being able to have the duplex. Mr. Hicks asked that they please consider approving Mr. Varney's request. Chairman Jones closed public hearing. He asked Mr. Booth to give his opinion. Mr. Booth said after report and comments from petitioner he would be in favor of recommending that council approve the request. Mr. Mason concurred with Mr. Booth, seeing no reason not to. Chairman Jones said he agreed with Mr. Booth and Mr. Mason. He stated that it is a nice house and this would put it back in with the nice neighborhood. A motion to recommend approval of the request by Town Council was made by Mr. Booth, and Mr. Mason seconded it. A roll call vote was taken, and all members present voted in favor of the motion.

The next item on agenda is the proposed amendment to the Town of Vinton Zoning Ordinance, Article VI. Nonconforming Uses and Features, Section 6-1 through Section 6-9. Ms. McMillan said this public hearing is mostly just a housekeeping update to the zoning ordinance. Chairman Jones opened public hearing. Ms. McMillan presented the information about the amendment. She mentioned that there had been a revised version which she gave them tonight. It had a couple of changes noted in yellow, and a copy of which will be made a part of the permanent record. She said it was discovered that state code had changed when Clearview Manor had made their request to the Planning Commission recently. Town codes and ordinances cannot be more restrictive than the state code which is why the ordinance must be revised. Ms. McMillan said there are homes in General Business and Industrial districts that have been there for years, and this ordinance change would address those types of properties. She mentioned that the Planning Department is currently dealing with a home on 5th street that is in this exact situation. It is a non-conforming single family house zoned GB General Business, and the grandfathering on it is about to expire. Chairman Jones said he feels this is a good change – looking out for the town residents. Ms. McMillan said this change would also apply to a vacant lot that is part of River Park Shopping Center. Ms. McMillan said that staff is trying to be proactive with these changes. A motion to recommend that Council amend the zoning ordinance as submitted tonight was made by Mr. Mason, and it was seconded by Mr. Booth. A roll call vote was taken and all three members present voted in favor of the motion.

There were no further citizens' comments for this meeting.

Also on the agenda, were the comments of the Planning Commissioners and Planning Staff. Ms. McMillan asked if the next meeting is set for April 7, 2013, since it is spring break for many schools. She stated that she would be out that day due to spring break. Mr. Mason said the second Thursday of April would work better for him, also due to spring break. Ms. Turman said they will do a public

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hearing on April 11th for the amendment to allow 90 days for impound storage on the tow lot. Ms. McMillan asked them to let staff know if they hear of any state code changes they think might affect the Town in case staff is unaware of it. Ms. McMillan inquired about delivering their packets by hand-delivery or email and which method they would prefer. Chairman Jones feels that the packets still need to be hand-delivered, and that reminders of meetings should be sent via email to the Commissioners.

With there being nothing further to discuss, the meeting was adjourned at 8:29 p.m. on motion by Mr. Booth, and a second by Mr. Mason.

Respectfully Submitted,

Anita McMillan
Planning Commission Secretary