

**MINUTES OF THE PUBLIC HEARING OF THE TOWN OF VINTON PLANNING
COMMISSION HELD ON WEDNESDAY, JANUARY 27, 2010, AT 7 P.M. , AT THE VINTON
MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET.**

PUBLIC HEARING

MEMBERS PRESENT: Dave Jones, Chairman
Dawn Michelsen, Vice Chairperson
C.W. Pace, Jr.
Bob Patterson

STAFF PRESENT: Anita McMillan, Planning and Zoning Director
Julie S. Tucei, Planning and Zoning Coordinator

OTHERS PRESENT: Vincent Bennett, Petitioner, and Joseph Bennett, 303 Ashley Court
Jeanie Harper, Petitioner, 119 Franklin Avenue
William Walker, Petitioner, 101 Albemarle Avenue, Roanoke
Jeff and Patty Kiser, 304 W. Virginia Avenue
Joe Banks, 315 Franklin Avenue
Allen Kasey, 105 Giles Avenue
Willie Leffel, P.O. Box 247, Vinton

AGENDA

I. Call to Order

II. Approval of Minutes: Work Session, November 16, 2009
Public Hearing, November 16, 2009
Joint Work Session, December 7, 2009
Joint Public Hearing, December 7, 2009

III. Public Hearings:

- 1. Petition of William Walker for a request to rezone the property located at 602 3rd Street, tax map number 60.15-5-1, from R-B Residential Business District to GB General Business District.**
- 2. Petition of Jeanie Harper for a Special Use Permit (SUP) to operate a Family Day Care Home, located at 119 Franklin Avenue, tax map number 60.19-5-10.**
- 3. Petition of Evette Bennett for a Special Use Permit (SUP) to operate a Family Day Care Home, located at 303 Ashley Court, tax map number 61.13-1-33.03.**

IV. Other Business

I. Adjournment

The meeting of the Vinton Planning Commission was called to order at 6:58 p.m. by Chairman Jones. Roll call was taken and all four members were present.

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The first item on the agenda was the approval of minutes from the Work Session and Public Hearing on November 16, 2009; and the Joint Work Session and Joint Public Hearing on December 7, 2009. Mr. Patterson made a motion to approve the minutes as submitted. Mr. Pace seconded the motion. All four members voted in favor of the motion to approve the minutes as submitted.

Chairman Jones called for the first petition of the evening from Mr. William Walker for a rezoning of 602 3rd Street from RB to GB to allow retail stores to be operated on the property. Ms. McMillan stated that a staff report was provided to each commissioner. She said Mr. Walker also emailed proffers of uses he will not allow on the property, a copy of which will be made a permanent portion of the record. Ms. McMillan stated that adjoining property owners were notified and that the Town had not received any comments from citizens on the request. Mr. Jones explained where Mr. Walker's building is located and named some of the surrounding businesses in the area. He asked Mr. Walker to come forward and present his case. Mr. Walker stated that he had been trying to rent or sell the building for two years to no avail. He mentioned that a lot of upgrades were put in the building, including the parking area and roof. Mr. Walker stated that several people had been interested in renting the building, but the uses they wanted to do were not allowed in RB. He said that the owners of an existing store, Two Peas in a Pod, would like to expand into the building. He also mentioned that he had people interested in using the building as a tattoo parlor or tobacco shop, but decided not to lease to those types of businesses. Mr. Walker stated that the prospective tenant is here tonight and that she will rent the building if this rezoning request is approved. He asked for any questions that the commissioners may have for him. Chairman Jones mentioned that the proffers were a bit different in format than they usually get, but that they were acceptable. He said that the proffers go with the property, and if the building is ever sold, the new owners would have to amend the proffers if they wanted to do a use that was excluded. Chairman Jones mentioned that there were two proffers that were of concern to the Commission in that they may be unnecessarily limiting the use of the property for Mr. Walker or future owners. Chairman Jones read over the list of proffers that were submitted by Mr. Walker for the benefit of those in attendance. The two proffers that the Commission had concerns over were number 7—pet shops, pet grooming shops, and the first proffer listed under the special uses for commercial indoor amusement uses, game rooms, billiard and pool halls. Chairman Jones explained that if the request is approved as Mr. Walker has proffered, those types of businesses would not be allowed unless the proffers are amended. Mr. Walker asked in general how the town felt about tobacco sales establishments. Ms. McMillan mentioned that it would be a use by right under retail sales in GB. Mr. Walker asked about amending the proffers and what he would need to submit if they are amended. Ms. McMillan mentioned that Mr. Walker is not required to change the proffers, but that the Chairman was just making suggestions for him to consider. Mr. Walker asked about the dwelling exclusion. Ms. McMillan stated that dwellings are allowed as a secondary use to a business use. She said it is considered to be a mixed-use. Mr. Walker requested to amend the proffers by striking number 7—pet shops, pet grooming shops, and the first proffer listed under the special uses for commercial indoor amusement uses, game rooms, billiards and pool halls. He asked for further clarification on the dwelling uses allowed, which Ms. McMillan provided to him. Mr. Leffel spoke next and stated that Mr. Walker had done an excellent job fixing up the property. He said that the building, prior to Mr. Walker's ownership, had been really trashy and that they even had a massage parlor in it at one time. Chairman Jones thanked him for his comments. Chairman Jones asked representatives from Two Peas and a Pod to speak about the request. Ms. Kiser stated that she had come into the office awhile back and spoke with Ms. Tucei when she was thinking

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about leasing the building. She was informed that she could not do retail in that location. She stated that she was very surprised since her current location is right across the street and she does retail there. She is interested in expanding her business into Mr. Walker's building. She said she would keep her current location and also open in the new building across the street. Chairman Jones stated that her business must be growing. Ms. Kiser said it has been, and she would like to stay in this area since it is convenient to her home. She said she has items she sells for herself and that she also takes consignments for sale. Mr. Leffel said she had done a great job with her business and that hers is one of the few businesses that had not closed like so many in Vinton have recently. Ms. Michelsen stated that she agrees that the business is viable and good. She has heard from people around the valley who have visited the store and really liked it. Chairman Jones commented that he appreciated all of them coming out for the meeting. Chairman Jones mentioned that the property will be non-conforming in respect to the transitional yard, and if the building was to be damaged or destroyed beyond 50 percent of the assessed value, a special exception would be required from the Board of Zoning Appeals (BZA). Ms. Michelsen thanked Mr. Walker for doing such a great job of fixing up the building. Mr. Patterson made a motion to recommend that Town Council approve request, while striking proffer number 7 and proffer number 1 under special uses, as agreed by Mr. Walker, the Petitioner. Mr. Pace seconded the motion. A roll call vote was taken and all members voted in favor of the motion to recommend approval with the amended proffers. Ms. McMillan said the Town Council will hold their hearing on February 16th on this request. Chairman Jones recommended that the petitioner and other interested parties attend the Town Council meeting.

Ms. Jeannie Harper's request for a special use permit was next. Ms. McMillan stated that the zoning ordinance was recently amended to allow citizens to provide daycare for more than 5 children in their homes. Ms. Harper is back before the Planning Commission to request a special use permit for her family daycare home to allow her to keep 5 to 12 children. She said the state recently came and inspected her property, and she had the paperwork if they would like to see it. Mr. Jones thanked her for allowing them to view her property prior to the case. He also thanked Mr. Bennett, another petitioner, as well. Mr. Kasey stated that he was there to support Ms. Harper's request. He said they keep a nice place, and he never sees any children out of control. Chairman Jones asked if it were required that the person requesting a special use permit submit a petition signed by neighbors who support the request. Ms. McMillan stated that is not required since the Town notifies adjoining property owners via U.S. Mail. She said that her office had not gotten any calls or comments from citizens, other than the one they just received from Mr. Kasey. Ms. Harper stated that she has been getting her Town business license for about 10 years. Commissioner Pace asked if the special use permit should be limited to only Ms. Harper in case she ever sells the property. Ms. McMillan said it should not be an issue since a new property owner would be required to apply for a special use permit themselves. She mentioned that she would be glad to double check on that with the Town Attorney. With there being no further questions on comments on the request, Mr. Patterson made a motion to recommend that Town Council approve Ms. Harper's request for a special use permit as submitted. Ms. Michelsen seconded the motion. A roll call vote was taken and all members voted in favor of the motion to recommend approval.

Mr. Bennett was called next to present his request for a special use permit for a family day home. He stated that he had asked his neighbors to sign the petition in support of his request. He said his neighbors were very concerned when they received the letter from the Town about the meeting because they feared

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that the Town was against his daycare. He said that he explained to the neighbors that he was just following the requirements of the Town, and that the Town was not against the daycare. Mr. Bennett asked that they approve his request. Chairman Jones asked for a motion. Mr. Pace made a motion to recommend that Town Council approve Mr. Bennett's request for a special use permit for a family day home, and Mr. Patterson seconded it. A roll call vote was taken and all members voted in favor of the motion.

Ms. McMillan reminded them of the upcoming March 4th work session on the CIP and fencing requirements. There was no further business; therefore, Mr. Pace made a motion to adjourn the meeting at 7:50 p.m., and Mr. Patterson seconded it.

Respectfully Submitted,

Anita McMillan
Planning Commission Secretary