

**MINUTES OF THE MEETING OF THE TOWN OF VINTON PLANNING  
COMMISSION HELD ON THURSDAY, NOVEMBER 14, 2019, AT 12 P.M., AT THE VINTON  
MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET.**

**MEMBERS PRESENT:** Keith Liles, Chairman  
Dave Jones, Vice Chairman  
Bob Benninger  
Bill Booth

**MEMBERS ABSENT:** Bob Patterson

**STAFF PRESENT:** Anita McMillan, Planning and Zoning Director  
Nathan McClung, Principal Planner  
Julie S. Tucei, Planning and Zoning Coordinator

**OTHERS PRESENT:** Mike Lockaby, Town Attorney

**AGENDA**

**WORK SESSION**

- I. Call to Order—Roll Call**
- II. Briefing on the Town of Vinton Zoning Ordinance Amendment to Amend and Adopt the Telecommunication Facilities Ordinance – Mike Lockaby, Town Attorney.**
- III. Bank of Botetourt’s Special Use Permit (SUP) Request for a Drive-Up/Drive-Thru Facility in Conjunction with their Proposed Bank Building, which is a Permitted Use and Structure by Right, Located at 410 South Pollard Street, Tax Map Number 060.16-09-01.00, Zoned CB Central Business District.**
- IV. Discussion of a Joint Public Hearing of the Planning Commission and Town Council on December 17, 2019, to Receive Comments Concerning:**
  - a. Town of Vinton Zoning Ordinance Amendment to Amend and Adopt the Telecommunication Facilities Ordinance.**
  - b. Bank of Botetourt’s Special Use Permit (SUP) Request for a Drive-Up/Drive-Thru Facility in Conjunction with their Proposed Bank Building, which is a Permitted Use and Structure by Right, Located at 410 South Pollard Street, Tax Map Number 060.16-09-01.00, Zoned CB Central Business District.**
- V. Comments of Planning Commissioners and Planning Staff**
- VI. Adjournment**

The work session of the Planning Commission was called to order at 12:27 p.m. by Chairman Liles. Roll was called, and all members were present, except Mr. Patterson. Mr. Patterson has decided to resign from the Commission because he will soon be moving out of state.

Chairman Liles introduced Mr. Mike Lockaby, Town Attorney, and stated that he would be presenting the information on the Telecommunications Ordinance. Mr. Lockaby presented a PowerPoint about the wireless facilities, which includes large towers and smaller facilities. A copy of the PowerPoint presentation will be made a part of the permanent record. Mr. Booth asked if the small cells are planned so that eventually they can do away with the taller towers. Mr. Lockaby said that was the original idea,

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but he doubts it will take the place of all tall towers, especially in more rural areas. It might; however, prevent new larger towers from being installed. Vice Chairman Jones mentioned that these will be in addition to the existing tower on Roop Street. Mr. Lockaby said that the Town will need to adopt an ordinance that is consistent with state and federal laws. The meaning of small cells is defined by FCC, as well as state. Mr. Lockaby recommends using the FCC definition. He went over the FCC definition, as shown in the PowerPoint. Mr. Booth asked if Vinton is required to give access to the companies to allow these facilities. Mr. Lockaby said the Town is required to give a franchise/access to the companies. He recommends processing those requests as if they are site plans. He went over the reasons that a request can be denied such as a public safety need or if it would cause interference. He said that macrocells can still use the Special Use Permit (SUP) process, and mentioned that the macrocells are the tall towers. He went through a list of items from the PowerPoint that you can use to disapprove an application. He stated that July 1, 2018, is when the regulations went into place, and then the FCC revised some of the regulations shortly thereafter. Mr. Booth asked if companies could put antennas on Kroger or Oakey's buildings. Mr. Lockaby said they could, but he doubts they will since it will be cheaper to install them in the Town right of ways on poles or on Town-owned buildings. For the new SUP process, the Town will have to provide in writing the reasons why a request is disapproved when they deny an application. He proposes that the Planning Commission looks at the following items when considering this item: Zoning, Site Plan, and Subdivision regulations. He stated that the other half of the equation is the proprietary regulations, such as franchises and leases. He said Town Council has already been working on that portion. Mr. Booth asked if the Town has any companies interested in these. Mr. Lockaby said one company has already asked for rights. He thinks the Town may receive more requests from other companies; therefore, the Town has issued a request for proposals for use of the Town right-of-ways for small cells, which is due back in December. Ms. McMillan asked that they give her their comments, prior to the joint public hearing with Town Council on December 17, 2019, on the revised ordinance they have been provided with in their packets on Dropbox. Mr. Booth asked if the small cells will be exclusive to one company or will more than one company be allowed to have small cells. Chairman Liles said any of the companies could have the sites, and it will not be limited to just one company. Vice Chairman Jones asked about what happens when the company stops using a site--can the Town make the company remove the equipment? Mr. Lockaby said generally the companies will have two years under the non-conforming use standard. He said that will be covered in the new regulations. Mr. Lockaby asked that they review what he wrote and give comments on anything that he may have left out or on any mistakes they find. Mr. Lockaby said Cox Communications does want to bring small cells to Vinton. Mr. Booth asked about the federal buildings such as the Vinton Post Office. Mr. Lockaby said they are not immune, and if the building is owned by the federal government, the companies do not have to follow Town regulations. If the building is not owned by the federal government, companies would have to follow Town regulations.

Chairman Liles announced the next item on the agenda: Bank of Botetourt's Special Use Permit (SUP) Request for a Drive-Up/Drive-Thru Facility in Conjunction with their Proposed Bank Building, which is a Permitted Use and Structure by Right, Located at 410 South Pollard Street, Tax Map Number 060.16-09-01.00, Zoned CB Central Business District. Mr. McClung presented the information on this request. He mentioned that there is a SUP required for drive-through or drive-up facilities. The drive-up facility that is being proposed will be for a remote teller/ATM. He showed a map on the TV screen where the

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new bank will be constructed. Mr. McClung said the SUP only concerns the drive-up facility, not the new bank building itself. He stated that on August 12, 2019, the Bank of Botetourt contacted the Town about the property. He said that Staff was initially concerned about the access to and from the bank. Mr. McClung stated that the bank is proposing to use the 10 ft. one-way alley for access to the drive through for the bank. He said the Town has asked that they improve the portion of the alley they would like to use. Mr. McClung said they have proposed to add new parking spaces located off S. Pollard Street. They will also have one handicap space located on their property. Chairman Liles mentioned that the new parking proposed along S. Pollard Street will match the existing parking spaces at the library. Mr. McClung said they have also proposed to have more landscaping and groundcover than is on the lot currently. Vice Chairman Jones asked about setbacks. Mr. McClung stated that there are no setbacks required in CB Central Business District. He mentioned that they propose to purchase a small amount of land from Cundiff's Pharmacy in order to make room for the drive through. Mr. McClung pulled up Google maps to show how the current building and property are situated. He stated that Bank of Botetourt will acquire about .05 acres from Cundiff's. He said the alley will continue to be used for one-way traffic. Mr. McClung mentioned that the new building will be approximately 2,460 square feet. He said he had also already been contacted by a sign contractor inquiring about the allowable signs for the new bank. Mr. McClung said Staff believes that both the bank and drive through facility are consistent with uses in the downtown area. He reminded them that, when considering the SUP, they can impose any conditions they feel necessary. Vice Chairman Jones asked where they will put their dumpsters. Chairman Liles said they will likely just have Town refuse collection and containers. Ms. Tucei mentioned that the Town does provide refuse pickup for downtown merchants. Chairman Liles asked if they have ability to require anything in the way of conditions for the landscaping. Mr. McClung stated that he does not believe we have any landscaping standards at this time. He suggested a required condition of upgrading the portion of the alley they plan to use. Vice Chairman Jones asked about what will be required as far as stormwater. Mr. McClung stated that the site layout he has shown them is just a conceptual plan, and in the final plans they will show any required facilities, such as for stormwater. He did state that the lot may be below the size threshold for stormwater requirements to kick in. He mentioned the public utility easement that runs across the lot. He said the local utilities have been contacted and have no facilities in it. Mr. McClung stated that it will be closed. He said he will check on the landscaping with Ms. McMillan as far as what can be required. Since there was no further discussion on this item, Chairman Liles moved on to the next item.

Chairman Liles stated that they will hear the two items they have discussed this evening at the joint public hearing with Town Council on December 17, 2019—the telecommunications ordinance and the SUP for the bank. Mr. Booth wanted to know the point of approving the telecommunications ordinance if the Town has to allow them. Chairman Liles stated that the ordinance will be a way for the Town to try to regulate them. Mr. Benninger asked that Ms. McMillan provide the comments she has already made on her copy of the ordinance to them so that they don't highlight the same things she has already found.

The meeting moved on to the comments section. Vice Chairman Jones stated that staff had done a good job preparing the information for the meeting tonight. Chairman Liles reminded them again of the joint public hearing with Town Council that is scheduled for December 17, 2019. Vice Chairman Jones

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mentioned the resignation of Mr. Patterson, and the need for a member to replace him. Chairman Liles asked them to submit any recommendations to Ms. McMillan for a replacement member. Vice Chairman Jones said the opening should be advertised on social media. Ms. Tucei told him that Town will be posting it on social media—Facebook, Twitter, as well as the Town’s website. Chairman Liles mentioned the new residents at the Billy Byrd Apartments may be interested in serving on the Planning Commission. He stated that we do need people who care about the town and want to make a difference.

With there being nothing further to discuss, Chairman Liles requested a motion to adjourn the meeting. Mr. Booth made a motion to adjourn the work session at 2:07 p.m., which was seconded by Vice Chairman Jones.

Respectfully Submitted,

Anita McMillan  
Planning Commission Secretary