

Galax City Council and
Galax Planning Commission
Called Meeting Minutes
May 25, 2023

Galax City Council and the Galax Planning Commission convened in a special called meeting to hold public hearings for two rezoning requests in the Galax City Council Chamber on May 25, 2023 at 6:00 p.m.

Mayor Greene called the meeting to order and confirmed there was not a quorum of the Planning Commission. Interim City Manager, Gavin Blevins explained that after a zoning application was accepted by the Planning Commission, they were given 30 days to make a recommendation to Council. He said if they failed to do so, the advisory recommendation would be waived, and action could then be taken by Council. Mr. Blevins advised that he personally recommended for Council to make a motion to move forward. This was the second public hearing regarding the rezoning requests without a quorum for the Planning Commission. Reid Broughton, City Attorney, was present and confirmed Mr. Blevins recommendation.

Vice Mayor White made the recommendation for City Council to move forward with the public hearing for the rezoning requests. Councilman Haynes seconded the motion, and it was approved by the following votes of “yea”: Mayor Greene, Vice Mayor White, Councilman Haynes, Councilwoman Ritchie, and Councilman Larowe – by phone.

Mayor Greene called the meeting to order with confirmation of a quorum with the following Council members present and they are as listed: Mayor Greene, Vice Mayor White, Councilman Haynes, and Councilwoman Ritchie. Councilman Larowe joined by phone. Councilman Henck and Councilman Warr were absent.

Michael J. Cacos, EOFM Properties, LLC, 122 Armory Road

Mayor Greene declared the public hearing open for the first rezoning request for Michael J. Cacos applicant for EOFM Properties, LLC. Mayor Greene announced that Councilman Larowe would be joining the meeting by phone. Councilman Larowe stated that he was in NC on personal business and unable to attend in person. Vice Mayor White made the motion to approve the request to join by phone. Councilwoman Ritchie seconded the motion and it was approved by the following votes of “yea”: Mayor Greene, Vice Mayor White, Councilman Haynes, Councilwoman Ritchie, and Councilman Larowe – by phone.

Gavin Blevins discussed the background application information which was submitted by Michael J. Cacos for property owned by EOFM Properties and was located at 122 Armory Road. The zoning change request was for Parcel 53-41-44 to change from R-1 Low Density Single Family to R-2 Medium Family Residential for the purpose of changing an existing single-family residence into a duplex for rentals. Mr. Blevins explained the general usage range of the existing zoning (and as referenced in the comprehensive plan) was single family dwellings and schools, libraries, churches and bed-and-breakfasts with conditional use permits. He said the general use range of the proposed zoning was the same as the existing zoning. Mr. Blevins closed by saying the density range of the existing zoning was low, and the density range of the proposed zoning was medium, with smaller minimum lot sizes, smaller setbacks and yard requirements enabling development of increased density.

Mayor Greene opened the floor for public comments. No one was present to represent the applicants of the rezoning for 122 Armory Road. Lesley Poindexter and Sara Nielson were neighbors on each side of 122 Armory Road. Both addressed Council and were opposed to the rezoning of the property, due to the limited space between each of the three houses, and the steep driveways of each. They noted a concern of the proposed rezoning especially due to their small children and extra traffic of a duplex. Councilwoman Ritchie stated for the record, that her mother-in-law owns the house rented by Lesley Poindexter, and she had no personal interest in the matter. She was against approving the request due to the small size of the basement converted to an apartment. With no further comments, Mayor Greene declared the public hearing closed.

After Council discussed the proposed rezoning with Gavin Blevins, and City Attorney, Reid Broughton, Vice Mayor White made the motion to deny the application for 122 Armory Road. Councilman Haynes seconded the motion, and it was approved by the following votes of “yea”: Mayor Greene, Vice Mayor White, Councilman Haynes, Councilwoman Ritchie, and Councilman Larrowe – by phone.

Nick R. Avila – DLP Twin Co. Reg. Healthcare, LLC, 500 Glendale Road

Mayor Greene declared the public hearing open for the rezoning request for Nick R. Avila (Avila/Platinum Properties 88, LLC) with regard to property owned by Twin County Regional Healthcare at 500 Glendale Road, Parcel 36-37. Councilman Larrowe made Council aware that he and Vice Mayor White were both on the Twin County Regional Healthcare Board of Directors, and confirmed that neither had a personal interest regarding the current rezoning request, but asked if it would be considered a conflict of interest. City Attorney, Reid Broughton stated that there wouldn't be a conflict if each did not have a personal interest.

Interim City Manager, Gavin Blevins, explained an application filed by Mr. Nick R. Avila, with regard to property owned by DLP Twin County Regional Healthcare, was requesting a zoning change to Parcel 36-37, located at 500 Glendale Road, from B-2 General Business B-4 Central Business, to allow for development of multifamily residential rentals, upon issuance of a conditional use permit. The general usage range of the proposed amendment would be expanded to permit a broader range of uses, including multifamily residential, with a conditional use permit, and the density range of the proposed amendment would be similar, with neither classification having area regulations but the proposed amendment carrying a reduced maximum height.

Jamie Keatley, property manager for Nick Avila, spoke regarding her client's request. Ms. Keatley gave the details of what was planned for the property at 500 Glendale Road. She also informed Council of all the pre-planning work that had been done, and said that the plans were to turn the property to 4 units.

With no further comments, Mayor Greene declared the public hearing closed. Gavin Blevins spoke regarding the request and the conditional use permit. City Attorney, Reid Broughton, said that if Council was inclined to deny the application, he was fine with that, but if Council wanted to approve, he would suggest not to do so at this meeting. He said there was a specific process for approval of conditional uses, and he would like to review further. He said there was two steps to this request, the rezoning, and the conditional use permit. Mr. Broughton stated that in the City Code, the Planning Commission needs to make the determination of conditional use permits. Gavin Blevins stated that according to Virginia Code, the Planning Commission cannot grant a conditional use permit, but they can make a recommendation to Council for approval, which was

not possible since a Planning Commission quorum was not present. After further discussion, Gavin Blevins made the suggestion to take a recess for 30 minutes to research and determine if a determination could be made. Vice Mayor White made the motion to approve the request. Councilman Haynes seconded the motion, and it was approved by the following votes of “yea”: Mayor Greene, Vice Mayor White, Councilman Haynes, Councilwoman Ritchie, and Councilman Larrowe – by phone. Councilman Henck joined the meeting at 7:25 p.m.

At 7:50 p.m. Council ~~reconvened in open session.~~ ^{returned from recess. DW 6-12-23} Mayor Greene certified that no items other than those allowed under the cited Virginia code section were discussed and no action was taken, with the following affirmation: Mayor Greene, Vice Mayor White, Councilman Haynes, Councilwoman Ritchie, Councilman Larrowe – by phone, and Councilman Henck.

Mayor Greene declared the public hearing for the Planning Commission open for the rezoning and conditional use request for Nick R. Avila, with regard to property owned by DLP Twin County Regional Healthcare for a zoning change to Parcel 36-37, located at 500 Glendale Road, from B-2 General Business to B-4 Central Business. This would allow for development of multifamily residential rentals, upon issuance of a conditional use permit. Mayor Greene opened the floor for comments. With no comments, Mayor Greene closed the public hearing.

~~Councilman Henck~~ ^{Vice Mayor White DW 6-12-23} made the motion to approve the rezoning request located at 500 Glendale Road, from B-2 General Business, to B-4 Central Business, limited to the anticipated owner, Nick Avila/Platinum Properties 88, LLC. Councilman Haynes seconded the motion, and it was approved by the following votes of “yea”: Mayor Greene, Vice Mayor White, Councilman Haynes, Councilwoman Ritchie, Councilman Larrowe, and Councilman Henck.

Mr. Brandon Boyles, Vice Chair of the Planning Commission, along with board members Janet Nuckolls, Russell Austin, and Councilwoman Ritchie, made a quorum. Mr. Boyles reviewed and discussed the conditional use permit request for 500 Glendale Road.

Russell Austin made the motion to approve the conditional use permit, Janet Nuckolls seconded the motion, and it was approved by the following votes of “yea”: Mr. Boyles, Ms. Nuckolls, Mr. Austin, and Councilwoman Ritchie.

~~Councilman Haynes~~ ^{Henck DW 6-12-23} made a motion to approve the conditional use permit as requested, limited to the anticipated owner, Nick Avila/Platinum Properties 88, LLC, and would not carry to the next owner. Councilman Warr seconded the motion, and the motion was approved by the following votes of “yea”: Mayor Greene, Vice Mayor White, Councilman Haynes, Councilman Ritchie, Councilman Larrowe, and Councilman Henck.

At 8:00 p.m. Vice Mayor White made the motion to adjourn. Councilwoman Ritchie seconded the motion, and it was approved by the following votes of “yea”: Mayor Greene, Vice Mayor White, Councilman Haynes, Councilwoman Ritchie, Councilman Larrowe, and Councilman Henck.

ADJOURNMENT at 8:00 p.m.


Mayor


Clerk

