

**MINUTES OF THE MEETING OF THE TOWN OF VINTON PLANNING COMMISSION
HELD ON THURSDAY, JUNE 16, 2005, AT 7 P.M., IN THE COUNCIL CHAMBERS AT THE
VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET.**

MEMBERS PRESENT: Bruce Mayer, Chairman
Joan Drewery, Vice Chairperson
Dave Jones
Bob Patterson
Dawn Michelsen

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

OTHERS PRESENT: Pam Mitchell, Petitioner, 1390 Hardy Road, Vinton
Martha J. Glover, 1236 Chestnut Mountain Drive, Vinton
Sherry Bryant, 1869 West Ruritan Road, Roanoke 24012
Ann Brown, 714 Dillon Drive, Vinton
Danna Frost, 629 Castle Ridge Road, Vinton
Angela Burton, 4172 Toddsbury Drive, Vinton
Lisa L. Davis, 15 Michelle Lane, Roanoke 24019
Carmen Donahue, 227 Bowman Street, Vinton
Melissa Peregoy, 1673 Diamond Hill Road, Moneta 24121
William L. English, 437 W. Cleveland Avenue, Vinton
Dave Alvaro, 1002 Walnut Avenue, Vinton
Chris Heptinstall, 440 Cedar Avenue, Vinton
Tae Ho Lee, 1339 Hardy Road, Vinton

AGENDA

- I. Call to Order**
- II. Approval of Minutes—Work Session on March 3, 2005 and Work Session on April 7, 2005**
- III. Public Hearing:**
 - 1. Petition of Pamela Mitchell, authorized agent, for rezoning of 1390 Hardy Road, Vinton, Tax Map Number 61.18-2-23, from RB Residential Business District to GB General Business District. The rezoning would allow for the property to be used for limited commercial/retail uses.**
 - 2. Petition of the Town of Vinton to rezone its properties purchased through the FEMA and VDEM Flood Hazard Mitigation Grant funding, as listed:**
 - (a) 305 and 315 5th Street, Vinton, Tax Map Numbers 60.15-2-2 and 3, from GB General Business District to Public/Open Space District.**
 - (b) 5.51 acres vacant lot at the intersection of Walnut Avenue and Glade Creek, Tax Map Number 60.15-2-1, from GB General Business District to Public/Open Space District.**
- IV. Other Business**
- V. Adjournment**

The meeting was called to order by Chairman Mayer at 7:04 p.m. Roll was called, and all members were present.

The first item on the agenda was the approval of minutes from work sessions held on March 3, 2005, and

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April 7, 2005. Chairman Mayer asked if there were any corrections or additions for the minutes. There were none. Therefore, Mr. Patterson made a motion to approve both sets of minutes as submitted. Ms. Drewery seconded the motion. A roll call vote was taken and all members voted in favor of Mr. Patterson's motion.

The next item on the agenda was a public hearing for a request from Pamela Mitchell, authorized agent, for rezoning of 1390 Hardy Road, Tax Map Number 61.18-2-23, from RB Residential Business to GB General Business District. Chairman Mayer asked for the staff report from Ms. McMillan. Ms. McMillan proceeded to read the report. She said that Pamela D. Mitchell, an authorized agent for Mr. Pierre and Mrs. Carolyn Gorla, the property owners, requested a rezoning of Best Little Hair House, 1390 Hardy Road, Tax Map Number 61.18-2-23, from RB Residential Business District to GB General Business District. As indicated in the rezoning application, a thirty five (35) feet by sixty (60) feet addition to the east side of the existing building was being proposed. The rezoning request would allow for the property to be used for limited commercial and retail uses. She stated that the Petitioner had indicated in the rezoning application that the proposed uses could include a bakery where products would be sold principally at retail on the premises, café, deli, tea room, coffee house, ice cream parlor, refreshments, catering, and similar food and beverage service establishments, and retail stores and shops. Ms. McMillan said that the property was currently zoned RB Residential Business District. The existing building is being used as a beauty shop, the Best Little Hair House, including incidental retail sales of beauty supplies, and the sales of "Home Interior" products, which also include occasional Home Interior Host's party. She mentioned that the intent of the RB District is to accommodate a limited range of offices and similar uses that are compatible with moderate density residential in order to provide for mixed use and other alternatives for new construction in areas that are undergoing change and are no longer viable as exclusively residential in character. She said that the RB District is also intended as a means to ease the transition between residential and commercial areas by providing for a mix of uses and development standards that are compatible with nearby residential areas. The GB District allows a wide range of retail and service uses, which are intended to serve the community as a whole or cater to the traveling public. Ms. McMillan said that the GB District is intended to be applied along primary traffic routes and to areas having direct access to such routes, in order to provide safe and efficient access while avoiding the routing of traffic onto minor streets or through residential areas. The district regulations are designed to afford flexibility in permitted uses of individual sites in order to promote business opportunities, economic development, and the provision of services. Ms. McMillan mentioned that some uses that are allowed by right in GB District included institutional, offices and/or commercial uses such as but not limited adult day care center, auto wash facilities, bank, doctor office, retail stores and shops. In addition, a list of uses such as amusement centers, flea market, and auto and truck general repair are also permitted in the GB District, subject to approval of a special use permit. Ms. McMillan said that, as indicated in the rezoning application, the Petitioner and the property owners felt that the proposed rezoning would be a welcomed asset to the growing neighborhood. They felt that the proposed uses such as apparel, antiques, boutiques, and/or coffee and/or snack/sandwich shop would present essential and desirable services and/or product lines to the local residents. Ms. McMillan stated that, if the rezoning request from RB to GB District was approved, an addition of approximately thirty-five (35) feet by sixty (60) feet would be constructed onto the east side of the existing building. She said that, as indicated by the FEMA Flood Insurance Rate Map (FIRM), Map Number 51161C0047 D, the east side portion of the property is located in the Special Hazard Areas Inundated by 100-Year Flood. Due to the proximity of the property to Wolf Creek, a flood

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elevation certificate and site plans submittal would be required prior to the issuance of any zoning and building permits for the proposed addition. Ms. McMillan mentioned that the property was level and developed with a building, paved parking area to the west, gravel parking to the rear, Wolf Creek Greenway to the east, and grassy area at the front of the existing building. She said that the properties to the west are zoned R-1 Residential and RB Districts and are developed with single-family structures and an access way to the Town's well lot and Wolf Creek Greenway. The properties to the south of Hardy Road are zoned RB District and developed with dental offices, a storm water management area, and Race Zone convenience store. The property to the southeast is zoned R-1 District and is developed with the Town's Wolf Creek Sewer Pump Station. The property to the north is zoned R-1 District and is developed with the Town's well lots, open space, and Wolf Creek Greenway. The property to the east, located in East Roanoke County, is zoned R3C Medium Density Multi-Family Residential District with conditions. Ms. McMillan said that the property is currently being developed with a patio home development with approximately 22 lots. Ms. McMillan also said that on April 1, 2003, the Gorias granted the Town of Vinton a twenty (20) feet in width sanitary sewer easement in conjunction with the fifteen (15) feet in width greenway easement along the eastern boundary of the property. She stated that the lot is about 1.30 acres and that the existing building was built in 1993. She mentioned that the building was approximately sixty (60) feet by sixty (60) feet in size and is located about forty-four (44) feet from the front property line and about forty-six (46) feet from the edge of the Wolf Creek Greenway on the east side. She said that the owners have proposed that a thirty five (35) feet by sixty (60) feet addition be constructed onto the existing building upon the approval of the rezoning request. Prior to the issuance of the zoning and building permits, site plans and a FEMA flood elevation certificate must be submitted to the Planning and Zoning Office for review and approval by the Town of Vinton and Roanoke County. Ms. McMillan stated that the 2004-2024 Town Comprehensive Plan has designated the properties to the north and south of Hardy Road in the vicinity of the site as a residential/business land use area. To the north of the site, the future land use is designated as conservation/open space land use. In conclusion to the staff report, Ms. McMillan explained that the proposed rezoning of the property from RB District to GB District might be consistent with the existing uses of the area to the south, if the property will only be used for limited types of commercial/retail uses as a proffered condition of the rezoning by the Petitioner. Ms. McMillan said that, according to the Petitioner, the proposed uses could include a bakery, café, deli, tea room, coffee house, ice cream parlor, refreshments, catering and similar food and beverage service establishment, retail stores and shops. Ms. McMillan said that the Petitioner had proffered that the following uses would not be allowed as condition for the rezoning of the property: Auto and truck sales, service or repair of vehicles, storage of inoperable vehicles, auto wash facilities, bed and breakfast, building supplies and materials sales, dwelling units, market of produce foods, fire station and rescue squad facilities, funeral home, garden center, gasoline service station, self-service gasoline station, auto service center, hospital, motel, hotel, laundromats, laundry and dry cleaning pick up stations, household linen and diaper services, library, minor public utilities, nursing homes, parking area, parking lots and garages, parks, playgrounds, other recreational facilities and community centers owned and operated by a governmental agency, civic association or other not-for-profit organization, pet shops, pet grooming, vet clinics or animal hospitals, public schools, shopping centers, tourist homes, and indoor sports. Upon conclusion of the staff report, Chairman Mayer asked the petitioner, Ms. Mitchell, to speak about her request. Ms. Mitchell addressed the Commissioners. She stated that she wanted the flexibility to be able to provide more to the community. She stated that she had been in that location for many years. Chairman Mayer asked if the Commissioners had any questions for the petitioner. No Commissioners had any questions. Chairman

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Mayer asked if she had a tenant lined up for the space. Ms. Mitchell stated that someone had asked her about doing a café there. Chairman Mayer asked how long it would be until she built the addition onto the building. Ms. Mitchell stated that it would probably be within the next year. Chairman Mayer asked if anyone in attendance would like to speak in favor of the rezoning. Ms. Jackie “Martha” Glover stated that she was not a Vinton resident, but lived in East Roanoke County. She said she is a customer of Ms. Mitchell’s and that she supported her one hundred (100) percent. Ms. Sherry Bryant was in agreement with Ms. Glover, and she said it was a good idea and would be a positive change. Ms. Ann Brown said that Ms. Mitchell does things very well and also said that it would be positive. Ms. Mitchell then asked her hairdressers to raise their hands in support of her request. Next, Chairman Mayer read a letter of support addressed to the Planning Commission and Town Council from Mr. Leon T. McGhee dated June 7, 2005. Mr. McGhee wrote: “Dear Honorable Gentlemen: This letter is in regards to the petition of Pamela Mitchell to allow a rezoning of 1390 Hardy Road, Vinton from a Residential Business District to a General Business District. He would hope that you would grant this rezoning for numerous reasons: A) The current zoning does not fit the property. The last time the property was rezoned it was on a two lane highway. Today the property faces a five lane highway; even I-81 is only four lanes. B) In the next year Rockingham Mutual Inc. and Floyd Ward Dance Studio plan to build on Hardy Rd., a continuance to a more business like area. C) This road presently services Vinton’s New Industrial Park, and an allowance to a commercial zoning is more appropriate with this service road. I personally understand Mrs. Mitchell’s need; I have lost numerous good business tenants because of this R-B zoning. I have approximately 50% of my office spaces vacant at this time and the prospects of renting in the future are slim due to this R-B zoning. Retail sales should be allowed, we just need to be careful and not allow car repair/car service/or other businesses that are less appropriate for the area. Sincerely, Leon McGhee Owner of L.T. McGhee & Co.” Ms. McMillan stated that another citizen had stopped by the Planning Office to inquire about the request. She said that Mr. Gary Wheeler, of 1330 Hardy Road, said that he was not against the rezoning but was concerned about his taxes being increased due to the rezoning. He said his taxes were already very high, and that he was on a fixed income. Ms. McMillan stated that staff had encouraged him to call the Roanoke County Assessor’s Office in regards to his concerns over the increase in taxes. Chairman Mayer asked if there was anything further to be discussed. There was nothing further. Therefore, Mr. Jones made a motion to recommend to Town Council that the request for rezoning with proffers be approved. Mr. Patterson seconded the motion. A roll call vote was taken and all members voted in favor of the motion.

Next, the Planning Commission heard the petition from the Town of Vinton to rezone its properties purchased through the FEMA and VDEM Flood Hazard Mitigation Grant funding, including: (a) 305 and 315 5th Street from GB General Business to Public/Open Space District (b) A five point fifty-one (5.51) acre vacant lot at the intersection of Walnut Avenue and Glade Creek from GB District to Public/Open Space District. Chairman Mayer asked for the Town’s presentation on the request. Ms. McMillan read her staff report to the Commission. She began by stating that the properties are zoned GB District, which allowed a wide range of retail and service uses subject to all other applicable requirements of the zoning ordinance and International Building Code (IBC) requirements for properties located in the FEMA National Flood Insurance Program (NFIP) floodway and floodplain areas of the confluence of Tinker Creek and Glade Creek. She said that 305 and 315 5th Street are developed with residential structures that were built in 1950 and 1920, respectively. Prior to the Town’s acquisition of the properties under the flood hazard mitigation grant program, the two structures had been tenant-occupied since the middle of 1980s;

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therefore, the structures were considered as legal nonconforming uses under the current zoning. Ms. McMillan stated that the Public/Open Space District is to preserve specific areas from private development, as these areas have been identified as currently undeveloped, unlikely to be developed, or unsuitable for private development. She mentioned that Public/Open Space areas might have natural conditions of soil, slope, susceptibility to flooding or erosion, geological condition, vegetation, which would make such lands unsuitable for urban development or which are of a public nature and are inappropriate for private development. She noted that, in order to protect the natural environment in these sensitive areas, the permissible uses are limited to public recreation-oriented activities. She said that this district was also intended to specify the location of public facilities of a recreational nature, as well as to reserve areas for location of other public facilities. Ms. McMillan stated that the rezoning of the properties to Public/Open Space is required under the grant agreement to which certain conditions and restrictions shall be applied in perpetuity to each property that was purchased with the hazard mitigation grant monies. She said that one of the restrictions is that the land must be used only for purposes compatible with open space, recreational, or wetlands management practices; in general, such uses included parks for outdoor recreational activities, nature preserves, unimproved permeable parking lots, public rest rooms, and other uses such as a public facility that is open on all sides and functionally related to the open space use. She stated that the three properties were acquired through grant funding from Virginia Department of Emergency Management (VDEM), Federal Emergency Management Agency (FEMA), and with Town funding as the required local match. She said that the Walnut Avenue Voluntary Property Acquisition and Flood Damage Mitigation Project identified three properties that are located within the NFIP floodway and floodplain areas at the confluence of Tinker and Glade Creeks. She mentioned that the three properties consisted of two residential structures, a storage building, and one vacant lot. She said that the structures would be demolished by early fall of this year. As far as the location of the properties noted that they included: 305 and 315 5th Street, Vinton, Tax Map Numbers 60.15-2-2 and 60.15-2-3, to be rezoned from GB District to Public/Open Space District; and a five point five one (5.51) acre vacant lot at the intersection of Walnut Avenue and Glade Creek, Tax Map Number 60.15-2-1, to be rezoned from GB District to Public/Open Space District. Ms. McMillan said that the properties located to the north of the site are zoned R-2 Residential District and M-1 Limited Industrial District and are separated from the site by Walnut Avenue and the Norfolk Southern Railroad right-of-way. She said that to the west of the site, the properties are zoned GB District and are developed with commercial and industrial uses including Bob's Restaurant, Alvaro's, and Viking Fence. She said that to the east of the site, off 5th Street, the properties are zoned GB District and R-2 District and are developed with commercial, multi-family, and single-family development. She stated that to the south of the vacant lot, the City of Roanoke's Tinker Creek Greenway is separated from the site by Tinker Creek. She also said that the property to the immediate south of 315 5th Street is zoned GB District, but it is developed with a residential structure. After the demolition of the structures, the properties would be converted to a natural use that serves as a vegetative stream buffer to Glade Creek. It was also envisioned that, if future funding is available, a community playground might be developed on the five point five one (5.51) acre site and a pedestrian bridge might be built across Tinker Creek to connect to Tinker Creek Greenway. She mentioned that the sites could be accessed from Walnut Avenue and 5th Street, and that public water and sewer services are available. Ms. McMillan stated that the 2004-2024 Town Comprehensive Future Land Use Plan had designated the five point five one (5.51) acre vacant lot, 305 and 315 5th Street, and the area to the immediate north as a park and recreation area. To the south of the site, the future land use is designated as medium density residential. To the west of the site, the area is designated as heavy industrial and to the

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east is designated as general commercial. In conclusion to her report, Ms. McMillan stated that the proposed rezoning of the site would be consistent to the area, Tinker Creek Greenway, and Glade Creek. The public/open space designation and the proposed demolition of the structures would allow for the property to be used only for purposes compatible with open space such as parks for outdoor recreational activities and nature reserves. Chairman Mayer stated that the Town has received grant money for this project. He asked if the grant required these properties to be rezoned. Ms. McMillan said that it did, and added that FEMA was trying to minimize the impact of flooding in the area by awarding the Town this grant money. She mentioned that the total of the grant was \$300,000, which included \$30,000 from the Town and \$270,000 from the Federal and State Governments. She stated that the program was voluntary and that no one had been forced to sell their property. She mentioned that an independent appraiser had appraised all three of the properties. Mr. Jones mentioned that the owner of 305 5th Street had declined to sell his property during the Midway grant project a few years ago. Chairman Mayer asked if any members of the public in attendance had any questions about this request. Mr. Dave Alvaro asked what plans the Town had for the five (5) acre lot. Ms. McMillan stated that the Town may try to secure a grant for the development of a neighborhood playground on the site. Mr. Alvaro asked if the Town planned to move the skateboard park from its current location to this site. Ms. McMillan said that had not been discussed at this point. Mr. Alvaro asked about building on the site. Ms. McMillan stated that a structure could be built on the property as long as it was built above the flood elevation. Mr. Chris Heptinstall asked if it was a requirement that the property be rezoned. Ms. McMillan stated that it was a requirement of the grant, and if it were not rezoned, the Town would not be reimbursed for the monies spent on the project. He said that he had concerns and reservations about the possibility that the Town may relocate the skateboard park to this location. He stated that a park or playground would be fine with him. He mentioned that a park similar to the one in Troutville would be nice. Mr. William English asked if the Town planned to dredge the creek. Ms. McMillan stated that the Town did not plan to dredge the creek. She mentioned that by removing the structures from these lots, the creek would have more room in which to overflow its banks thereby reducing its impact on the surrounding neighborhood. Ms. Drewery agreed noting her own experiences before and after the Midway project. Chairman Mayer mentioned that the Town had also placed the Walnut Avenue low water bridge in the CIP. Mr. English stated that he was in favor of putting a playground on the site. Mr. Heptinstall said the Town would find more support for a playground there. He said he was pleased that those properties were going away and that he approved of the rezoning. Chairman Mayer asked if there was any other questions or comments. There were none. He then asked for a motion on this request. Mr. Patterson made a motion to recommend to Town Council that they approve the requested rezoning of these properties from GB District to Public Open Space. Ms. Drewery seconded the motion. A roll call voted was taken, and all members voted in favor of the motion.

In other business, the Planning Commission unanimously adopted a tentative schedule for meetings on a motion by Ms. Drewery and a second by Mr. Jones. All members were asked to put the dates on their calendars. The Planning Commission also voted unanimously to recommend that Town Council approve the illicit discharge ordinance on a motion by Mr. Jones and a second by Mr. Patterson. Ms. McMillan mentioned that she had not had time to work on the doggy day care information requested by Chairman Mayer. Additionally, Chairman Mayer listed a couple of other items that the Commission would like to discuss at future work sessions. These items were accessory structure regulations, landscaping in parking lots and other parking lot issues during new construction. Ms. McMillan also suggested that they discuss the uses that were allowed in the RB District. Since a conflict with the date for the next meeting was

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discovered on the newly adopted schedule, the next meeting was set for August 11, 2005.

With there being no further business, the meeting was adjourned at 7:59 p.m. by Chairman Mayer.

Respectfully Submitted,

Anita McMillan
Planning Commission Secretary