

**MINUTES OF THE MEETING OF THE TOWN OF VINTON PLANNING COMMISSION
HELD ON TUESDAY, JUNE 8, 2004, 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
 Dave Jones
 Dawn Michelsen

MEMBERS ABSENT: **Bob Patterson**

STAFF PRESENT: **Lisa Cooper, Associate Planner**
 Julie S. Tucei, Planning Secretary
 Kevin Boggess, Town Manager (came in at 7:20 p.m.)

OTHERS PRESENT: **Pamela Oakes, 557 Holiday Road, Vinton, Petitioner**

AGENDA

I. Call to Order

II. Approval of Minutes: Public Hearing—May 13, 2004

III. Public Hearing Petition:

- 1. Petition of Pamela Oakes for a Special Use Permit (SUP) to conduct skin care and facial classes at 557 Holiday Road, Tax Map Number 61.06-2-21, zoned R-1 Residential District.**
- 2. The Planning Commission's recommendation to the Town Council to adopt the Town's proposed Capital Improvement Program (CIP) FY 2005-2009.**

IV. Other Business

V. Adjournment

The meeting was called to order by Chairman Mayer at 7:02 p.m. Roll was called, and all members except Bob Patterson were present.

The first item on the agenda was the approval of minutes from the meeting on May 13, 2004. Chairman Mayer asked if anyone had any changes or motions regarding the minutes that were submitted. Mr. Jones made a motion to accept the minutes as they were submitted. Ms. Michelsen seconded the motion. A roll call vote was taken, and all members present voted in favor of the motion to approve the minutes.

Chairman Mayer announced the opening of the public hearing on the petition of Pamela Oakes for a special use permit to conduct skin care and facial classes at 557 Holiday Road, which was zoned R-1 Residential. Chairman Mayer asked if any responses had been received from the neighborhood. Ms. Cooper stated that the office had received a letter in the mail from an adjacent property owner. She mentioned that it was a handwritten note that was written on the certified letter that the Town had sent out to adjoining property owners. She noted that certified mail was sent to all the properties marked in blue on the map displayed on the overhead projector. She stated that the person who sent the letter had not included a name or return address, only Holiday Road, Vinton, VA 24179. Ms. Cooper said the note mentioned that Ms. Oakes' family had 4 cars that were usually parked in the driveway. Therefore, the person said that any cars generated by this business would be parking on the street. The note mentioned that there was no problem with the piano lessons that Ms. Oakes gave or with their other business called Carmen's Kitchen. Ms. Oakes stated that they no longer operate Carmen's

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Kitchen, that was a business in which her daughter cooked food to order for people to eat at other locations. Chairman Mayer explained to Ms. Oakes that the complete statement from the concerned citizen had to be read into the record. Ms. Cooper also mentioned that someone had called the office and talked to Ms. McMillan about the concerns about the parking, and that she thought it may have been the same person who sent the letter to the office. Ms. Oakes said she did teach piano lessons, and they were more frequent than the Mary Kay business she does. She said this shouldn't cause any problems at all because there would not be carloads of people coming to the house. She stated that it would be occasional to rare that people come to the house. She mentioned that usually 1 to 2 people, and no more than 5 come to the home for the skin care and cosmetics instruction. She said they apply the products themselves because she was not allowed to do it for them. She stated that she has products at the home that the people could purchase if they wished to. Chairman Mayer asked if the piano lessons would be given on the same night as the facial instruction. Ms. Oakes stated that if they were, they would not be given at the same time. She said that generally the piano lessons were given 2 to 3 days per week, and now that school was out for the summer most lessons would probably be in the mornings rather than evenings. She stated that most of her Mary Kay business takes place outside of the home, and that she did not expect it to cause any parking issues. She again said that Carmen's kitchen was no longer in business. Ms. Cooper stated that she had talked to the Vinton Treasurer's office, and she found that an exempt business license was needed for any business in the Town that earns less than \$3000.00 per year. She said that an exempt business license was a license that has no fee. She also stated that a zoning permit with a \$15.00 fee was required for all businesses in Town. Chairman Mayer asked about the vehicles in the photos that were displayed on the overhead projector. Ms. Oakes said that the pickup was her husband's farm truck, that the green vehicle was her dad's, that the white car was hers, and that there was one vehicle that was not there at the time the photo was taken. She mentioned that the cars could be pulled into the fenced area in the back so that the driveway would be open for her customers. If the cars were not pulled into the fenced area, there would be 1 space left in the driveway and 2 spaces in front of her house on the street. Ms. Michelsen asked how long people would be there for the classes. Ms. Oakes said they would be there about an hour. Chairman Mayer told Ms. Oakes that the piano lessons were considered to be a personal service home occupation also. Ms. Cooper mentioned that the survey plat that was submitted showed a graveled area in the rear, in addition to the paved driveway. Ms. Oakes stated that 2 vehicles can fit on the graveled area. Mr. Jones asked about the products that the people can buy. Ms. Oakes said the people can buy products at her home if they wished to. Mr. Jones asked what would keep her from being considered a retail establishment. Ms. Drewery asked how much she keeps for sale at the home. Ms. Oakes stated that she keeps a full stock of everything that was available in the catalog. Chairman Mayer asked how many people stop by in a month just to pickup/purchase items. Ms. Oakes stated that there were more people coming by the house, and this was because she had been home taking care of her dad. She said people might come by 1 time per week. Chairman Mayer said the Commissioners were concerned with whether or not there would be constant traffic in and out of the home due to the business. Ms. Cooper said that usually the Mary Kay sales people drop the items off or the people can pick them up. She mentioned that Ms. Oakes does have a small sign in front of her home for the business that she will need to get a sign permit for. She said that, if the traffic increases and parking issues arise, she would have to send Ms. Oakes a letter. Ms. Oakes said there would never be more

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than 5 people at a time at the parties. She said that any purchases made outside of the parties would usually be only by 1 person at a time. Ms. Michelsen asked if the wording could be changed to “instruct makeovers”, rather than “conduct makeovers” since Ms. Oakes does not apply the products. Ms. Oakes said that Mary Kay does not allow their representatives to touch the customers. Mr. Jones mentioned that a proffer would be something that Ms. Oakes would agree to. He asked if she could agree to limiting the parking, and if that would cause a hardship on her. Ms. Oakes said she did not believe that it would cause a hardship for her. Mr. Jones said it could be limited to no more than 5 people and that those people must park in the driveway. Ms. Oakes said she could agree to set a 4 car limit. Mr. Jones repeated that the number of people could be limited to 5 and the number cars could be limited to 4. Ms. Michelsen asked how Ms. Oakes arrived at the number of 5 people. Ms. Oakes stated that she only has 5 chairs at her table. Chairman Mayer said they could say that the limit of clients’ cars was 4. Mr. Jones told Ms. Oakes that the Commission’s job was to represent the neighborhood. He said that, even though no one showed up for the hearing, a neighbor was concerned enough to send a letter to the Town about it. Chairman Mayer said they want her to be able to do what she wants to do. He then adjourned the public hearing for a motion on the request. Mr. Jones made a motion to accept Ms. Oakes plan as submitted with the following conditions: 1. The wording be changed from “conduct skin care and facial classes” to “instruct skin care and facial classes”, and 2. There were to be no more than 5 customers and no more than 4 customers’ cars on Ms. Oakes’ property or in front of Ms. Oakes’ house at any given time. Ms. Drewery seconded Mr. Jones’ motion. A roll call vote was taken and all members present voted in favor of the motion. Chairman Mayer told Ms. Oakes that Town Council would hear her request next and make a final decision on her request. Ms. Cooper said Town Council would hear the request on June 15, 2004, at 7 p.m. She reminded her that, if the special use permit was approved by Town Council, she would need to obtain a sign permit for the small sign she had in the yard. Ms. Cooper also mentioned that Ms. Oakes would need to request a special use permit and business license for her piano lesson business. Ms. Oakes questioned the need for an additional permit for the piano lessons. Ms. Cooper said they could discuss it at another time that was convenient for Ms. Oakes.

Next was the presentation on the Capital Improvements Program for FY 2005 –2010. Mr. Boggess, Town Manager, was there to present the priority list of C.I.P. items. First, Chairman Mayer reminded Mr. Boggess that they would like to see the Council Chambers reconfigured with some more useable space, since the formal witness area was no longer needed. Mr. Boggess said hopefully that could be accomplished within the next year or so, but it would not be a C.I.P. item. He proceeded to provide the Commissioners with a list of all the C.I.P. items, and then a list of his recommended 14 items. He said that \$230,000 in funding would be available, and the first 5 items on his list of 14 totaled \$235,000. He mentioned that the funding for the façade improvements was not included in the C.I.P., but would be taken out of the operating budget. Chairman Mayer asked if the funds for the façade improvements would be available on July 1st. Mr. Boggess stated that it would be, if the Council approved the budget. Mr. Boggess then went over his list of 14 recommended items for the C.I.P. The 14 items were: 1. Police Vehicles (\$60,000); 2. Server Upgrade (\$25,000); 3. Backhoe (\$80,000); 4. Radio Repeater (\$10,000); 5. Dump Truck (\$60,000); 6. Pool Filtration System (\$44,000); 7. X-Mark Mower (\$8,000); 8. Opticom (\$25,000); 9. Replace Car 2 (\$55,000); 10. Comprehensive Plan

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Projects (\$35,000); 11. Upgrade Cash Registers (\$10,000); 12. CAD Update (\$18,000); 13. 5" Hose (\$17,000); and 14. Senior Bus (\$33,000). Ms. Drewery asked about the Opticom. Mr. Boggess said the Town had installed a few of them at the major intersections, but that more were needed. He mentioned two intersections that could benefit from them—Washington Avenue and Mountain View Road and also Clearview Road and Hardy Road. He said that the Opticom had been installed going one way at the Washington Avenue and Mountain View Road intersection, but another was needed for the other direction. Chairman Mayer asked how many could be purchased for \$25,000. Mr. Boggess said \$25,000 could purchase enough equipment for one intersection similar to the one at Virginia Avenue and Pollard Street. Chairman Mayer asked if any other repairs were needed at the pool, other than the filtration system. Mr. Boggess said that there were none at this time; however, the pool was about 60 years old and could need repairs to the structure at any time. Ms. Drewery asked if the pool made money. Mr. Boggess said it had always cost the Town more than it made. He said the pool, like the War Memorial, had never made money. Mr. Jones asked about putting a park in the Midway area of Town. Mr. Boggess said it had not been brought up this year for consideration. He said they were still considering the installation of a low water bridge across Glade Creek from Midway over to Gearheart Park. Ms. Drewery said the children usually walk across the railroad trestle to gain access to the park, which was very unsafe for them. Mr. Jones asked if the low water bridge was included in the plan. Mr. Boggess said it was not included this year. Mr. Jones said he would like to see it included somewhere, not at the top of the list, but included somewhere. Chairman Mayer asked if it had been mentioned in the Comprehensive Plan Draft. Ms. Cooper stated that she could check to see whether or not it had been listed. Mr. Jones said it needed to be on a list. Chairman Mayer said it would be cheaper than building a new park, and mentioned that Gearheart Park was under-utilized. He asked if it might be possible that Norfolk Southern would help out, in order to help keep the kids from using the trestle for access to the park. Mr. Boggess said the Town could look into grants that might be available for the project, and that they could also check with Norfolk Southern to see if they would help out. He asked the Commissioners if they were o.k. with his proposed top 5 items for the C.I.P. Mr. Jones told him that he knew better than they what the Town needed. Chairman Mayer mentioned that there were no citizens present to speak on the issue. He started to call for a close to the public hearing, but Mr. Boggess reminded him that they still needed to look at the utility fund items. Mr. Boggess went over his priority list for the utility fund. He mentioned that the top 3 items on the list totaled \$215,000, and all 5 on the list totaled \$482,000. The 5 items on the list were: 1. Falling Creek Water Tank (\$45,000); 2. SCADA System Phase II and part of Phase III (\$140,000); 3. 4 X 4 Pickup Truck (\$30,000); 4. Well Development-Meadows (\$137,000); 5. Line Extension to Falling Creek System (\$130,000). Mr. Boggess said that the Planning Commission could decide what to recommend to Town Council. Chairman Mayer closed the public hearing and asked for a motion. Mr. Jones made a motion to accept what the Town Manager had proposed for the C.I.P. and that if any of the top projects on the list should fall through, the next project or portion of the next project should move up on the list in its place; and further that the low water bridge to Gearheart Park be put on the correct list of projects to be done, if not on the C.I.P. Ms. Michelsen seconded the motion. A roll call vote was taken, and all members present voted in favor of the motion made by Mr. Jones.

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Chairman Mayer asked if there was anything further to discuss. A meeting concerning the Comprehensive Plan Update was discussed for a possible date of July 27, 2004. A subdivision project off Fairmont Drive was mentioned, and the Commission decided that no public hearing would be held since the proposed use was allowed by the zoning ordinance. They asked that the Highway Safety Commission look into any traffic concerns that might come about from the project. The Commissioners asked that they be kept informed about the project's status. Mr. Boggess mentioned that the Highway Safety Commission would soon be handled by the new Assistant Town Manager, Consuella Barbour. Mr. Jones asked briefly about what the Fair Housing Board's duties were. Mr. Boggess said they look into any allegations of discrimination when people were trying to rent or buy real estate in Town. There was no further business at that time; therefore, the meeting was adjourned at 8 p.m. on a motion by Ms. Michelsen and a second by Ms. Drewery.

Respectfully Submitted,

Anita McMillan
Planning Commission Secretary