

**MINUTES OF THE MEETING OF THE TOWN OF VINTON PLANNING COMMISSION  
HELD ON THURSDAY, MAY 13, 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 (left early—during the C.I.P. discussion)**  
                                 **Dave Jones**  
                                 **Dawn Michelsen**  
                                 **Bob Patterson**

**MEMBERS ABSENT:**        **Joan Drewery**

**STAFF PRESENT:**         **Anita McMillan, Planning and Zoning Director**  
                                 **Lisa Cooper, Associate Planner**  
                                 **Julie S. Tucei, Planning Secretary**  
                                 **Kevin Boggess, Town Manager (came in during S.U.P. Request)**

**OTHERS PRESENT:**        **Richard Dalton, Spa and Tub World Manager, Salem, Petitioner**

**AGENDA**

- I. Call to Order**
- II. Approval of Minutes: Public Hearing—October 30, 2003**
- III. Public Hearing Petition:**
  - Petition of Richard Dalton, Store Manager for Spa and Tub World, for a Special Use Permit (SUP) to operate a tent sale throughout the year at 903 Hardy Road (Lake Drive Plaza), Tax Map Number 61.17-2-2, zoned GB General Business.**
- IV. Capital Improvement Program: FY 2005-2010**
- V. Other Business**
- VI. Adjournment**

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

The first item on the agenda was the approval of minutes from the meeting on October 30, 2003. Chairman Mayer mentioned that they had discussed off-track betting and methadone clinics then. Mr. Patterson offered a motion to accept the minutes as they were submitted. Mr. Jones seconded Mr. Patterson's 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 Richard Dalton, store manager for Spa and Tub World, for a special use permit to operate a tent sale throughout the year at 903 Hardy Road in Lake Drive Plaza, zoned GB General Business District. He asked Mr. Dalton to come forward to make his presentation and answer any questions the Planning Commissioners had. Chairman Mayer mentioned that there were no other citizens in attendance at that time. Mr. Dalton stated that they were looking into expanding their business opportunities in Vinton. He stated that they had quite a few clients from the Town of Vinton. He said they wanted to have some tent sales to promote and sell their products in this area. He mentioned that the location they had selected was a high traffic area where they had an opportunity for new business for Spa and Tub World. He stated that the products displayed there would be small and that the tent would be 20 feet by 20 feet in size. He said the tent would hold 4 hot tubs and would be professionally bannered to let the public know

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what was being sold. He mentioned that there would be no handwritten signs at all. Chairman Mayer asked if all items would be inside the tent. Mr. Dalton said everything would be displayed inside the tent. He stated that the sale hours would be from 11 a.m. to 7 p.m., like the other locations where they had tent sales before. He said they had someone who provides security at the tent from 10 p.m. to 6 a.m. Ms. Michelsen asked if that person would sleep in his or her vehicle. Mr. Dalton said they do bring their vehicle and they stay in it. He mentioned that they were currently running 3 day tent sales at Hunting Hills Plaza. He said they would like to hold 10 day sales in the Town of Vinton, in addition to some 3 day sales. Chairman Mayer asked how many sales would be held in a 12 month period. Mr. Dalton stated that they would like to hold at least 2 events each month through September. Chairman Mayer asked if there would be a 10 day separation between the 2 events per month. Mr. Dalton said that was correct—they would do 1 at the beginning of the month and the other at the end of the month. Chairman Mayer asked if the tent would be taken down after each sale. Mr. Dalton said the tent would be taken down completely after each sale has ended. Mr. Jones asked for the maximum number of events that would be held in a year. Mr. Dalton stated that 10 would probably be on the high end. Chairman Mayer asked when the sales would begin. Mr. Dalton said they would like to begin as soon as possible in Vinton—mostly likely in June. Chairman Mayer asked how early the tent sales would start next year. Mr. Dalton stated that their season starts picking up at the end of March and beginning of April because of the weather. Mr. Jones asked where the tent comes from. Mr. Dalton stated that they had their own tent that was anchored to the ground, and it was also fire rated. He said they also call Miss Utility to make sure about the location of utilities before anchoring the tent to the ground. Ms. Michelsen asked how it was anchored. Mr. Dalton stated that anchors were driven in the ground and the tent was secured to the anchors with ropes and straps. He mentioned that, when the anchors were removed, they always repaired the asphalt with a patch kit. Ms. Michelsen asked if they had talked to the property owner. Mr. Dalton said they had and that they were already approved by the owner. He mentioned that they had a tent and were ready to put it up on the property when they found out that they had to have a special use permit. Mr. Jones asked if they had a lease with the property owner. Mr. Dalton stated that the owner of Spa and Tub World, Gary Johns, had signed a contract that specifies the amount of times that they can use the location for tent sales in the event the special use permit was approved. Ms. McMillan asked if the Town could get a copy of the contract by Friday to provide to the Town Council. She said they would like to see that there was a signed agreement for the use of the property. Chairman Mayer asked if the lease was site specific. Mr. Dalton said it was, and the drawing that was submitted with their application showed where the tent was to be located. He stated that the owner of the property had approved that location for them to use. Mr. Jones asked if the view would be blocked for traffic going into and out of the parking lot. Mr. Dalton said he did not think so. He stated that he and the owner of Spa and Tub World had looked at the site and mentioned that there was a grassy area that would be between the tent and the road. Chairman Mayer asked how many spaces would be between the driveway cut and the tent. Mr. Dalton stated that the tent would take up 4 parking spaces. Chairman Mayer said he was asking about the space between the tent and the entrance. Mr. Dalton said it was 2 spaces over from the driveway. Ms. Michelsen stated that it was very important because it was a very “hairy” egress and ingress. Mr. Dalton stated that they do take that into account when planning tent sales. Chairman Mayer asked how wide the grass strip was. Ms. McMillan stated that it was not more than 4 feet because the sidewalk

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was wide, and was really probably no more than 3 feet wide. Chairman Mayer stated that the sidewalk and grassy area would be probably no more than 10 feet wide. Mr. Dalton said it might not be quite that wide, but would be close to that. Mr. Jones asked if the tent would be placed right up next to the wheel stops. Mr. Dalton said they would not put the tent right up next to the curbing itself. Ms. Michelsen asked if they had some flexibility if there was a sight problem. Mr. Dalton said they usually try to get approval for 2 or 3 spots in case there was a problem with the original location. Therefore, he said that there was some flexibility. Mr. Jones said they wouldn't want the customers to get their cars banged up, or for someone else's car to get banged up. He said they were concerned about the tent being right in the corner of the lot. Mr. Dalton said there would be 2 open spaces in front of the tent; however, they had the flexibility to move the tent in more if needed. Ms. Michelsen said she thought that people would probably park in those 2 open spaces. Mr. Dalton said they normally put cones and ropes around them so that people cannot park in them. Chairman Mayer asked about the height of the tent. Mr. Dalton said he was not sure, but thought it was about 9 feet tall at the highest point. Ms. McMillan said she could get the site plan for the Kroger Fuel Center so that they could get an idea of the layout of the area. Chairman Mayer asked if it would show the amount of parking spaces in that area. Ms. McMillan said it would. Mr. Jones asked if the lease was specific as to what parking spaces may be used. Mr. Dalton said it was not specific, but that the owner of the property had said that the location shown on the plan that was submitted was the best location for the tent to be placed. Chairman Mayer asked if the gas pumps were to the right of the area that they were considering for the tent. Mr. Dalton said that they were. Mr. Jones mentioned that people used to park cars that were for sale in the location where they want to put the tent. Ms. Michelsen said that people do tend to go in and out of the shopping mall quite a bit at that location. Mr. Jones said they did not want to make a hazard that would cause problems out on the road. Chairman Mayer said they must consider whether the view of drivers pulling out from Lake Drive Plaza would be blocked by the tent. He said he did not think it would be, from what they had discussed. Mr. Dalton said they did not see that the tent would cause a road hazard. He said that they had walked the site initially, and that they always take sight visibility into consideration when looking at a potential location. Ms. Michelsen again asked if they were not going to allow cars to park in the 2 spaces next to the tent. Mr. Dalton assured her they would not allow parking there. He told them how they arranged the parking at their Hunting Hills Plaza location. Mr. Jones asked where their tent was located when they had a sale at Hunting Hills Plaza. Mr. Dalton said they were just across the access road from the Taco Bell Restaurant. Ms. McMillan brought the Kroger Fuel Center site plan and an aerial map in for the Commissioners to look at. Chairman Mayer asked Ms. McMillan to show him where the gas pumps were on the site plan. He then asked how many parking spaces were in the area where they would like to place the tent. He said that it looked as if there were about 15 parking spaces. Mr. Jones said there were more than that, and he counted approximately 35 spots. Chairman Mayer said if they would move the tent more towards the middle of that area towards the gas pumps it would be better. Ms. Michelsen said she would feel better if they were farther away from the entrance. Chairman Mayer stated that it shouldn't hurt the traffic flow to the tent. Mr. Dalton said their main thing was to be where they were visible, but not in the way. Mr. Jones said that it needed to be good for their business, but should not hurt other people in the process. Chairman Mayer asked Mr. Dalton if their lease was in jeopardy if they had to move the tent more toward the middle. Mr. Dalton said he did not think so,

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but that he would have to speak with the owner of Spa and Tub World to make sure. Chairman Mayer asked if they would block 2 spaces on each side of the tent. Mr. Dalton said they would probably block 2 spaces on each side. He said the people who work in the tent do not like cars coming right up next to the tent, so they always do that for their benefit too. He said they also try to make it safe for the children and parents who visit the tent. Mr. Jones mentioned that, if a car was parked too close to the tent, and if the car caught on fire, it could burn the tent. Mr. Dalton agreed. Chairman Mayer asked if the tubs were operational. Mr. Dalton said that it was a dry demonstration because they found it was too much trouble to fill and drain the tubs when they used to do full demonstrations of them. Chairman Mayer asked if they could issue a special use permit for a limited period of time, such as a year or a balance of a year. Ms. McMillan said they could impose a condition that the permit be good for a limited time. Mr. Dalton asked if they would still have to contact the Town to let officials know when they plan to have the sales, if the special use permit were granted. Mr. Jones said they were not going to set specific dates for them to hold the sales. He said the Commission would like for Mr. Dalton to tell them what they were willing to do. Chairman Mayer read a list of items from his notes regarding what Mr. Dalton had said they would like to do. He said the time frame would be from April to September; no more than 10 per year at this site; the sales would either be for 3 days or 10 days; no more than 2 sales per month; if they had 10 day sales twice in one month they would have 10 days between each sale; the hours would be from 11 a.m. to 7 p.m.; an overnight guard; and move the location of the tent to the middle of the space. Chairman Mayer stated that they could grant the special use permit for the rest of 2004. He said he was glad to see the business come to Town. He mentioned that they had to look out for the safety of the citizens, though. Mr. Jones pointed out that there was no one in attendance either for or against the request. Chairman Mayer said that sometimes the business owners complain about such sales because it was much cheaper to have a tent sale than to have an actual store, with the rent and taxes that the businesses have to pay. He asked if there were any further questions or comments. There were none, and no one from the public was there, so he closed the public hearing. He then called for a motion. Ms. McMillan asked Mr. Dalton if there were going to be trucks and trailers on the site with the tubs. Mr. Dalton said that everything would be under the 20 by 20 feet tent, and that there would be no more than 4 tubs there. He said there would be banners with their business name on them and also banners that say "Jacuzzi". He said Jacuzzi requires that they display those banners. Ms. McMillan asked if the tent was 20 by 20 feet or 20 by 30 feet, because the application said 20 by 30 feet. Mr. Dalton said the application did say 20 by 30 feet, but that the tent will actually only be 20 by 20 feet. Ms. McMillan stated that the Town had sign regulations on banners, and she said that there were size and duration limitations for them. Mr. Dalton said the banners were 2 by 10 feet. Ms. McMillan said that permits were required for any banners. Chairman Mayer asked if there were any other questions or comments. There were none, and he asked for a motion. Mr. Jones made a motion to recommend that Council approve the special use permit with the following conditions: permit for the year 2004 only; 20 X 20 feet tent maximum; maximum of 4 Jacuzzi tubs to be displayed under the tent—none outside the tent; all banner signs to meet zoning/sign ordinance regulations; operating hours from 11 a.m. to 7 p.m. only; an overnight security guard to be on premises at night for the duration of the sale event/sales events; limit of 10 sales events total for the year; no more than 2 sales events to be held each month; sale event/sales events to be no longer than 10 days in duration; there must be at least a 10 day gap between each 10 day sales event; the location of tent

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to be midway between the two entrances to Lake Drive Plaza off Hardy Road; setup to take place no more than 2 days prior to any sales event. Mr. Patterson seconded the motion. Ms. Michelsen asked what should be done if the property owner had a problem with the new location for the tent. Chairman Mayer asked Mr. Dalton to let staff know if there was a problem with the location. He reminded Mr. Dalton to make sure to stake the tent securely down to the ground. Ms. McMillan stated that a zoning permit will be required, in addition to the sign permit. Chairman Mayer told Mr. Dalton that all the permits and the business license could be obtained at the same time. Roll was called, and all members present voted in favor of the motion to recommend the approval of the special use permit with conditions to Town Council. Ms. McMillan informed Mr. Dalton that Town Council would hear his request on Tuesday, May 18, 2004, at 7 p.m. or shortly thereafter.

Next, Chairman Mayer asked for the presentation on the Capital Improvements Program for FY 2005 – 2010. Mr. Boggess, Town Manager, was there to present the C.I.P. items. Ms. McMillan mentioned that they would like to add the reconfiguration of the witness area in the Council Chambers to the C.I.P., since court was no longer being held there. Mr. Boggess stated that he did not think that would need to be a C.I.P. item. Chairman Mayer said it was awkward for the people presenting requests to work around that witness area. He said it would be good to have some type of work area in that space for people to put their stuff on when presenting requests. Mr. Boggess asked if they would like to schedule a Saturday meeting to go out and look at the specific requests for the C.I.P. Chairman Mayer said it was not necessary because they were all pretty familiar with the requests. Mr. Boggess said it may be more appropriate to do that every other year, so that they stay familiar with the needs. Mr. Boggess then briefly discussed each request, reading down the list he had provided to the Commissioners in their packets. He stated that they could schedule a public hearing later to make a recommendation to Town Council for the C.I.P. He said they could discuss the items more in depth at the public hearing. He also said that he would provide the Commissioners with a list that prioritizes the requests for the C.I.P. prior to the public hearing. He mentioned that the original list of items costing about \$2.5 million would become a \$250,000 list, and all the projects that cannot be funded will moved to the FY-06 budget. He said they would have an opportunity to talk to the department heads at the public hearing about their requests. Ms. McMillan stated that they were planning to have another public hearing on June 8, 2004. She stated that there was another special use permit request to be heard then. Chairman Mayer stated that he had another meeting scheduled for 8 p.m., and he turned the meeting over to Mr. Jones so that he could excuse himself to go to that meeting. Ms. Michelsen asked if there were any grants available for some of the projects, especially for swimming pool renovations. Mr. Boggess said there were grants available, and in particular Roanoke County has a matching grant each year that can be used for recreational items. He stated that the police department already had planned to apply for that grant this year. The grant would enable them to install a circuit training facility at the greenway. Mr. Boggess asked if they had any questions about the C.I.P. None of the Commissioners had any questions about it.

Mr. Jones asked if there was anything further to discuss. Ms. McMillan mentioned the meeting that they had discussed for June 8<sup>th</sup>. She reminded them of the proposed timeline for the Comprehensive Plan Update. Ms. McMillan said she had nothing else to discuss, and asked if the Commissioners had

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any other items of business. Mr. Jones said that they must continue to push on the Comprehensive Plan because a lot of money had been spent on it. He said that the Planning Commission had the responsibility to make sure the Comprehensive Plan that was obtained was what the Town paid for. He said he was not sure that the Town had gotten everything that they should have from the consultants. He said the Town should not compromise on the format of the printed copy. It should be the way the Town would like it to be printed. Mr. Jones said it could be a burden on the Town. Ms. McMillan stated that, once the draft was received, staff would review it. She said that their time line was just not going to work for the Town, and that she had voiced concern about this to the consultants. She said it seemed like they were trying to push it too quickly. She stated that they were not tied to their timeline, and that they could adopt the Comprehensive Plan when it was right for the Town to do so. There was no further business at that time; therefore, the meeting was adjourned at 8:14 p.m. on a motion by Mr. Patterson and a second by Ms. Michelsen.

Respectfully Submitted,

Anita McMillan  
Planning Commission Secretary