

**MINUTES OF THE MEETING OF THE TOWN OF VINTON PLANNING COMMISSION
HELD ON THURSDAY, OCTOBER 25, 2007, 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
Dawn Michelsen
Bob Patterson

STAFF PRESENT: Anita McMillan, Planning and Zoning Director
Karla Turman, Associate Planner/Code Enforcement Officer
Julie S. Tucei, Planning and Zoning Coordinator
Joey Hiner, Assistant Public Works Director
Jim Gynn, Town Attorney

OTHERS PRESENT: Ray and Geraldine Miller, Vinton
Wayne and Nancy McGuire, Vinton
Janet Scheid, Vinton
Mick Michelsen, Vinton
Bill Booth, Vinton
William G. Henderson, Vinton
Pauline Wood, Vinton
Peggy Fizer, Vinton
Ronnie and Sharon Norville, Vinton
Ruth Roe, Vinton
Bill Tolley, Vinton
Leonard Gisiner, Vinton
William Kayser, Vinton
Frank Hill, Vinton
Gary King, Vinton
Ken and Nancy Chewning, Vinton
Russell and Deborah Hubbard, Vinton
Paul and Bonnie Hartsel, Vinton
Betty Jo Overstreet, Vinton
Matt Hare, Vinton
Thuy Thi Tran, Vinton
Janet Short, Vinton
Randy and Mary Beth Layman, Vinton
Anita Setzer, Vinton
Keith Setzer, Hardy, VA
Paula Leonard, Blue Ridge, VA
Aaron Layman, Vinton (Reporter)
Ed Street, Johnson City, TN (Petitioner)
Mary Ellen Goodlatte, Roanoke, VA (Petitioner's Counsel—Street)
Philip Reed, Wolf Creek, WV (Petitioner's Engineer—Street)
Mark Ayles, Roanoke, VA (Petitioner's Traffic Study Consultant—
Street)

PUBLIC HEARING AGENDA

I. Call to Order

II. Approval of Minutes:

Public Hearing—September 27, 2007

III. Public Hearing Petitions:

1. **The petition of Ed Street Company, for a rezoning of four tracts of land: 1015, 1021, 1027, and 1037 Hardy Road, tax map numbers 061.17-03-10.00, 061.17-03-11.00, 061.17-03-12.00, 061.17-03-13.00, from RB Residential Business District to GB General Business District. The purpose of the rezoning is to construct a Walgreens store and another commercial use on the eastern portion of the tracts.**
2. **Amendments to the Town of Vinton Zoning Ordinance:**
 1. **Article V, Division 5. Miscellaneous Provisions:**
 - (a) **Sec. 5-23. Parking of recreational vehicles in residential districts.**
 - (b) **Sec. 5-24. Parking of commercial vehicles in residential districts.**
 2. **Article X. Definitions. (b) Certain words and terms defined. Adding additional words: Recreational equipment trailers, Utility trailer, and Watercraft.**
 3. **Article IV. District Regulations.**
 - (a) **Division 6. GB General Business District. Sec. 4.29. Permitted uses and structures. (a) Uses and structures permitted by right. (28). Parking areas.**
 - (b) **Division 7. CB Central Business District. Sec. 4.34. Permitted uses and structures. (a) Uses and structures permitted by right. (19). Parking areas.**

IV. Other Business

V. Adjournment

The meeting of the Vinton Planning Commission was called to order at 7:03 p.m. by Chairman Mayer. Roll was called, and all members were present. Chairman Mayer declared that a quorum was present, and welcomed everyone to the meeting. He introduced the other Planning Commissioners--Ms. Michelsen, Ms. Drewery, Mr. Jones, Mr. Patterson, and Town staff--Ms. McMillan, Ms. Turman, Ms. Tucei, and Mr. Guynn.

The first item on the agenda was the approval of minutes from the previous meeting—September 27, 2007. There were no changes or additions for the minutes that were submitted. Mr. Patterson made a motion to accept the minutes as submitted, and Ms. Drewery seconded it. A roll call vote was taken and all members voted in favor of the motion to approve the minutes as submitted.

Next, Chairman Mayer opened the public hearing for the Ed Street Company's petition for a rezoning of four tracts of land. He asked Ms. McMillan for a summary of the request. Ms. McMillan read portions of her staff report aloud. She also read aloud the four proffers, which were included in the staff report, and submitted by the petitioner. Additionally, she read comments that were received during the community meeting that was held on September 13, 2007. Ms. McMillan offered to answer any questions about the request that the Commission had. Chairman Mayer asked how the Hardy Road bike lane came about. Ms. McMillan stated that the Town Council had requested it. Ms. Michelsen asked if this request were

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approved, would there be a cost to the Town for any of the work that would need to be done for the Walgreens. Ms. McMillan said the Town would not be responsible for any of the costs. Ms. Michelsen asked if that included the road work. Ms. McMillan stated the Town would not be responsible for those costs either. Ms. Mary Ellen Goodlatte, Counsel for the Petitioner, spoke next. She showed them the site on the aerial map. She mentioned that Mr. Ed Street, Mr. Mark Ayles, and Mr. Philip Reed were in attendance. She stated that the property needed to be rezoned to GB from RB. Next, she showed the concept plan and mentioned that the Walgreens would be located in the center of the site. She stated that the original filing had kept open the prospect of an additional use, but the new proposal is that the only use will be a retail store/shop. She stated that the concept plan has been proffered also. Ms. Goodlatte mentioned that the buffers they have proposed exceed the Town's requirements. She said that the road work will be done at the expense of the petitioner, not the Town, and that additional right-of-way would be given to the Town. Chairman Mayer asked if there would be only one building on the site. Ms. Goodlatte stated there would only be one building, and that the concept plan had been proffered. Ms. Goodlatte said that they believe it would be consistent with the area and would not be spot zoning. She said that the proffers help to buffer the edge properties. Mr. Ed Street, the developer, said he held a community meeting in September to seek out concerns and has tried to address all of them. It was mentioned that the former Rite Aid building was under a long term lease and was not available for this project. Mr. Street said that they have made every attempt to buffer residents and have never done a buffer that big before. He stated there would be two rows of evergreen trees and other landscaping to buffer the site. Mr. Street mentioned that Walgreens is one of the cleanest retailers out there, and that this would be an outstanding project. He said it will generate revenue and employment for the Town. Chairman Mayer asked what the shaded area on the concept plan represented. Both Mr. Street and Ms. Goodlatte confirmed that the shaded area represented the buffer and evergreen trees. Chairman Mayer wanted to know how much the lot would be cut during grading. Mr. Reed stated that probably about 25 feet would be cut, but that a survey had not been performed yet so that was estimated. The Walgreens' building would be 22 feet tall. Mr. Ayles spoke about the traffic summary. He said it was done after visual surveys were performed. He said that the counts were based on VDOT's 2005 figures, and that the 2006 VDOT figures showed no increase in traffic. Mr. Jones questioned how there could be no increase. Mr. Ayles said he did not know, but that they had bumped up VDOT's numbers. Chairman Mayer asked what effect the addition of the store would have on those figures. Mr. Ayles stated that 1283 cars per day, including passbys, would be generated. About 15 percent of those would go by the site regardless of the store. Ms. Goodlatte said that VDOT recognizes passby traffic and Walgreens wants to locate there in part due to the passby traffic. Chairman Mayer asked about the peak hours. Mr. Ayles said the peak hours would be 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. Chairman Mayer asked how the school traffic figured into the study. Mr. Ayles stated that VDOT calculates the figures and only updates them periodically. Chairman Mayer asked if VDOT did an actual count or if it was estimated. Ms. McMillan said it was estimated. Chairman Mayer asked if the east entrance lines up with Nelson Street. Mr. Ayles said it did. Ms. Michelsen asked if the property would be leased. Mr. Street said it would be leased. Chairman Mayer asked if the petitioner had anything else to say about their request. Ms. Goodlatte said they did not at this time. Next, Ms. McMillan read into the record the written comments that had been received from citizens, copies of which will be made a part of this record. The written comments were received from Ms. Ethel Noell, Ms. Janet Bingham, Ms. Tiffany Rawling, Mr. Milton Dowdy, Mr. and Mrs. Lonnie and Vernell Mason. Ms. McMillan stated that she had also received 13 voicemail/phone messages in favor of the request, but several of the callers did not leave their names or addresses. Citizens at the public hearing were given the chance to comment on the request next. Chairman Mayer called Ms. Janet Scheid first. Ms. Scheid stated that she lives less than a mile away

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from the proposed Walgreens location, and she uses Hardy Road, the bike lane, and the sidewalk everyday. She mentioned that she is a Planner for Roanoke County. She said that this case comes down to a land use decision, and she does not think it would be correct to change the zoning of the properties. She said that RB zoning is correct for them. She mentioned that the CVS store was built by right across the street and that it is a corner location. She noted that RB does not mean the properties have to stay residential because it provides that offices can be developed by right in that district. Ms. Scheid mentioned that the Comprehensive Plan is current and reflects the future uses for the area. She said she also has concerns about the traffic and access to the site. Ms. Scheid suggested that the intent for the proffer of one building needed to be clarified. She said that it is not proffered that it will be a drug store or Walgreens. She noted that traffic would be different if the site was used for a convenience store. She pointed out the access points on the plan and said the area is very busy. She felt that the access to the west would have a high potential for traffic conflicts, and said restricting movements there as the Public Works Director had suggested in his review of the proposal may be necessary. She said she just did not think this was the correct location for a retail store, and pointed out that the other Walgreens in this area are on corners. She asked that the request be turned down and suggested that there were holes in the proffers concerning the hours of operation and the concept plan. Next to speak about the request was Mr. Wayne McGuire, of Broadhill Drive. He first thanked Mr. Street for his interest in the Town. He said he agreed with Ms. Scheid about the request. He pointed out that Walgreens is normally a 24 hour a day operation. He said that people already use his neighborhood, Dillon Woods, as a cut through and that they usually exceed the 25 mile per hour speed limit. Mr. McGuire said he did not think this would be a good use of this parcel of land and wishes they could use the former Rite Aid building instead. Mr. Mick Michelsen was next to address the Commission. He lives at 125 Maple Street. He said the first question is to ask whether the current zoning is reasonable. He said the petitioner presented a reasonable plan, but it did not show the current zoning was unreasonable. He said that the Comprehensive Plan was a compromise of a lot of people in the Town, and that the Planning Commission has no business to alter what citizens help put together. Mr. William Henderson followed Mr. Michelsen. He is from 727 Arcadia Circle. He said he thought it was a nice presentation, but disagrees with the location. He stated that Vinton is not growing and has no plans to annex property. He said if this project moves forward, this would cause a reduction in the number of citizens in Vinton. He felt that the traffic is a concern for the school and for people in his neighborhood, Dillon Woods. He also mentioned the cut through traffic on the streets in his neighborhood. Mr. Henderson said that the Town has a scar at River Park Shopping area since it is a dead area, and mentioned the former Rite Aid as another example. He said the Town already has three drugstores, and he does not believe a fourth can be supported. Mr. Ronnie Norville of Broad Hill Drive said he agreed with Ms. Scheid, but pointed out that no one had mentioned anything about the possibility of the project causing extra auto accidents. He said this will result in more cars making left turns. He was sure that the Rite Aid could be leased. He also said he was concerned about the extra lights and noise. Ms. Bonnie Hartsel was next, and she said she was concerned about traffic on Hardy Road. She said the traffic there is a nightmare especially when school is in session. She also mentioned the number of people who use Dillon Woods as a cut through to get to the stop light. She said Mr. Norville was right about this possibly causing more accidents. Ms. Hartsel said they should look elsewhere. The next person to speak to the Planning Commission was Ms. Anita Setzer. She stated that she owns lot number 13, the largest lot. She said her parents used to own the lot and that it was their legacy to her. She said this is cutting her out of selling the lot. She asked how many lanes I-81 has (four) and then pointed out that Hardy Road has 5 lanes. She agreed that the traffic cutting through Dillon Woods is horrible. Ms. Setzer also said that accidents occur everyday in that area. She said Walgreens will not increase the traffic that much. She

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stated that the buffer will take care of the noise. She mentioned that her parents died before they realized anything from the property. She asked if they wanted four businesses along there, maybe a beauty parlor, dentist office, or something else instead of just one business. She asked when the last time was that a new business came to Town. She said this is change and prosperity, and asked again what they would like to have there. She said Vinton's loss may be someone else's gain. Ms. Setzer said that Mr. Street would not go to the Rite Aid building since it is for sale for \$7,000,000. She said she wants to sell her property and wants to see something good there. She mentioned that a tattoo parlor could go there. Mr. Keith Setzer addressed the Planning Commission next. He is Ms. Setzer's nephew. He said he was glad all the "anti's" don't live in New York with its traffic. He said he has faith in modern technology and that it will accommodate traffic as best as can be done. He stated that the traffic is not going to get any better with the increasing lake traffic. He felt that this project will have better access than CVS does. He said it did not matter that the Walgreens would be across from CVS, and said that is just competition. He mentioned that if it were a 24 hour store, people can go later instead of during the peak times. Mr. Randy Layman of 1028 Almond Drive was next. He stated that this would be right behind his home. He said that the purpose of zoning is for the community. He said the use of the property and traffic are the issues. He mentioned that his neighbors are starting to sell their properties. Mr. Layman stated that the Town needs residential properties, not a fourth drug store. Mr. Layman's wife, Mary Beth, also spoke. She said she recommended that the property stay RB instead of GB. She said she would rather have an office there or another quiet business. She said she does not want to see a drive through window on the property. Ms. Sharon Norville asked what the logic was of building right across from the CVS. Chairman Mayer stated that it was not the Planning Commission's job to answer that. He said the Planning Commission looks at land use. Mr. Jones asked where people were going when they cut through Dillion Woods. Ms. Nancy McGuire said they miss the Hardy Road traffic by taking the neighborhood roads all the way over to Precision Fabrics Group off Third Street. Ms. Setzer stated that they had been doing that since the 70's. Ms. Goodlatte addressed the Commission once again. She said that no additional use is going to be put on the property—there would be one use and one concept plan. She said that originally they did propose another use in addition to Walgreens, but it was dropped due to the concerns that had been mentioned. Chairman Mayer asked for clarification on the retail use proffer. Ms. Goodlatte stated that they had used the language of the zoning ordinance and had the Town's attorney review the proffers. Ms. McMillan read the definition of retail store from the zoning ordinance. Chairman Mayer asked if a convenience store could be placed on the lots. Ms. Goodlatte stated that Mr. Street would be willing to proffer that there would be no convenience store allowed on the lots. Ms. Michelsen asked if Walgreens had approved the project. Mr. Street stated that several Walgreens' departments and committees have to approve projects, and all but one, the real estate committee, had approved it and their approval was pending. Ms. Michelsen asked what would happen if it were not approved by that committee. Mr. Street would withdraw the request since he would have no interest in developing the property except for Walgreens. Ms. Michelsen asked if the property had already been purchased. The petitioners explained that the property was under contract and contingent upon the outcome of the Town hearings. Ms. Goodlatte stated that Walgreens considers it a commercial intersection because the road consists of five lanes. She mentioned that if the properties are developed singularly there would be more entrances and exits that may not be VDOT approved. She said the Town could end up with a much less desirable development. She stated that this would be the best buffer for the residences nearby and also the best use for the property. Chairman Mayer asked if the houses would be torn down. Ms. Goodlatte said they would all be torn down. Chairman Mayer asked what the store hours would be. Ms. McMillan said the hours would be 8 a.m. to 10 p.m. Mr. Street stated that it would not be a 24 hours store. Ms. Goodlatte stated that they are not in a position to

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proffer the hours. Mr. Street said it would not be open 24 hours initially. Ms. Ruth Rowe, of 521 Dillon Drive, asked what could be put on the property if the business failed. Chairman Mayer stated that the proffers stay with the property. He said if someone wanted to put something other than retail there, they would have to request to amend the proffers. Chairman Mayer reminded everyone that the Planning Commission's decision is not binding on Town Council. He asked if there were any further questions. There were none; therefore, Mr. Jones made a motion to recommend that Town Council deny the application for these three reasons: it is inconsistent with the Comprehensive Plan; traffic concerns and proximity to the elementary school; and the availability of other under-utilized vacant buildings in the area. Ms. Drewery seconded the motion for the same reasons Mr. Jones stated. A roll call vote was taken, and all members voted in favor of the motion to recommend that Town Council deny the request.

The next item to be heard was the amendment to the portion of the Zoning Ordinance concerning the parking of recreational vehicles in residential districts. A staff report on this issue was provided by Ms. Turman, a copy of which will be made a part of the official record of this meeting. The Commission reviewed and discussed the proposed amendments to the recreational vehicle ordinance as presented by Staff. Comments were also accepted from several citizens regarding the proposed changes. Mr. Frank Hill, of 210 10th Street, said that although he could park his boat and utility trailer in his back yard, as required by the proposed amendment because he lives on a corner lot, he would prefer not to park them there. He stated that he would not be able to watch the boat and would be afraid that it would be tampered with. He also mentioned that in bad weather, he could not get back there with his truck and hook the boat or the trailer up. He said that he would prefer to put them under his carport. He was told that as long as they were behind the front line of the house, he could park the trailer and the boat under the carport. He said some people were not fortunate enough to have a garage or a carport, and that the driveway was the only place they had to park recreational vehicles because they can't park them in the back yard. Mr. Gary King, of 680 Shelbourne Avenue, stated that he parks his boat trailer in his driveway. He said that he parks it back as far as it can go, but it sticks out two feet in front of the main line of his house. He wanted to know what the town would do to him if he doesn't come into total compliance. He asked what fines and jail time the Town would give him for violating the ordinance. Ms. Turman explained that a judge would have to make that decision. He stated that the Town was infringing on his rights to pleasure, his leisure time, as well as telling him what he could do with his property that he pays taxes on. Mr. William Henderson, of 727 Arcadia Circle, who does not own a recreational vehicle, stated that he does not understand why the town doesn't just enforce the current ordinance as it is written, instead of amending the ordinance. He stated that the town needed to be careful when enforcing this issue. He said, if it is a safety issue, then enforce it, but does not agree with it if it is simply to get the recreational vehicles out of the front yard, that is a person's property that he pays taxes on. Ms. Nancy McGuire, 1056 Broadhill Drive, spoke in favor of the proposed changes. She stated that she did not feel that recreational vehicles should be allowed to be parked in front of the house, because she feels that people abuse it. She gave an example of a recreational vehicle in her neighborhood that is parked in the driveway in front of the house, and she feels that someone is living in the camper. There was no further discussion on the issue; therefore, Ms. Michelsen made a motion to recommend that Town Council approve the proposed changes to the portion of the Zoning Ordinance concerning recreational vehicles. Mr. Patterson seconded the motion. A roll call vote was taken and all members voted in favor of the motion.

The next item on the agenda was the amendment to the portion of the Zoning Ordinance concerning the parking of commercial vehicles in residential districts. A staff report on this issue was provided by

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Ms. Turman, a copy of which will be made a part of the official record of this meeting. The Commission reviewed and discussed the proposed amendments to the commercial vehicle ordinance as presented by Staff. Comments were also accepted from several citizens regarding the proposed changes. Mr. William Kayser, of 716 Arcadia Circle, spoke during the public hearing and stated that he drives a commercial vehicle, and has parked it on his property frequently for quite a few years. He said that he was told by the police department that he could not park the vehicle on the street, but that if it was behind the house, it would be fine. Mr. Kayser mentioned that there are many Vinton taxpayers who need to bring their work vehicles home at night, including a few in his neighborhood. He feels that they have been abiding by the law, as he was told by the police department that he could park it on his property. Ms. Turman read the definition of commercial vehicles to clarify what is and is not considered to be a commercial vehicle. Mr. William Henderson, of 727 Arcadia Circle, said that he felt that the Planning Commission should table the issue until further research could be done. He said that there were people who had been parking commercial vehicles on their properties for years. He also said that since the Town had been negligent in enforcing the ordinance, the parking of commercial vehicles in his neighborhood had now become acceptable. He said that perhaps the existing commercial vehicles in residential areas could be grandfathered. It was also mentioned that people felt this was a new sweeping ordinance to eliminate commercial vehicles from residential districts. Ms. Turman explained that the ordinance was not new, but was merely being updated to include commercial utility trailers. She also explained that the ordinance is enforced, but staff is not always aware of commercial vehicles in a residential area, because the vehicle is only there at night and on weekends, and/or there have been no complaints from the neighbors. Ms. Paula Leonard stated that her brother owns a large tool truck and wanted to know if the truck won't fit in his existing garage, if he would have to build another garage. She was informed that the vehicle would have to be stored inside a completely enclosed building in order to comply. Chairman Mayer mentioned that the Town doesn't have any agricultural uses anymore, so perhaps the exclusion for vehicles being used for agricultural use of the property should be removed. There was no further discussion of the issue; therefore, Mr. Jones made a motion to table the matter for further study by the Planning Commission. Mr. Patterson seconded the motion. A roll call vote was taken and all members voted in favor of the motion to table the issue for further study.

Next, was the addition of wording to the definition of recreational vehicles. The words that are proposed additions to the definition are: Recreational equipment trailers, Utility trailers, and Watercraft. No public comments were offered on this item. Therefore, Mr. Patterson made a motion to recommend that Town Council approve the additional wording in the definition of recreational vehicles, and Mr. Jones seconded the motion. A roll call vote was taken and all members voted in favor of the motion.

The next item discussed were the changes to the GB and CB district regulations to exclude the parking or storing of recreational vehicles as a use by right in parking areas, lots, or garages. Ms. Turman briefly explained the changes to these portions of the Zoning Ordinance. No public comments were offered on this issue. Mr. Jones made a motion to recommend that Town Council approve the changes as written and submitted, and Ms. Drewery seconded the motion. A roll call vote was taken, and all members voted in favor of the motion to approve.

In other business, the next meeting of the Planning Commission was tentatively scheduled for November 29, 2007. With there being no further business, the meeting was adjourned at 9:53 p.m. on a motion by Mr. Patterson and a second by Ms. Drewery.

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Respectfully Submitted,

Anita McMillan
Planning Commission Secretary